

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

I.B.I.D. ASSOCIATES LIMITED  
PARTNERSHIP d/b/a I.B.I.D. ASSOCIATES,  
L.P.,

Plaintiff,

V.

CIVIL ACTION NO. \_\_\_\_\_

COUNCILMEMBER JAMIE GAUTHIER and  
THE CITY OF PHILADELPHIA,

Defendants.

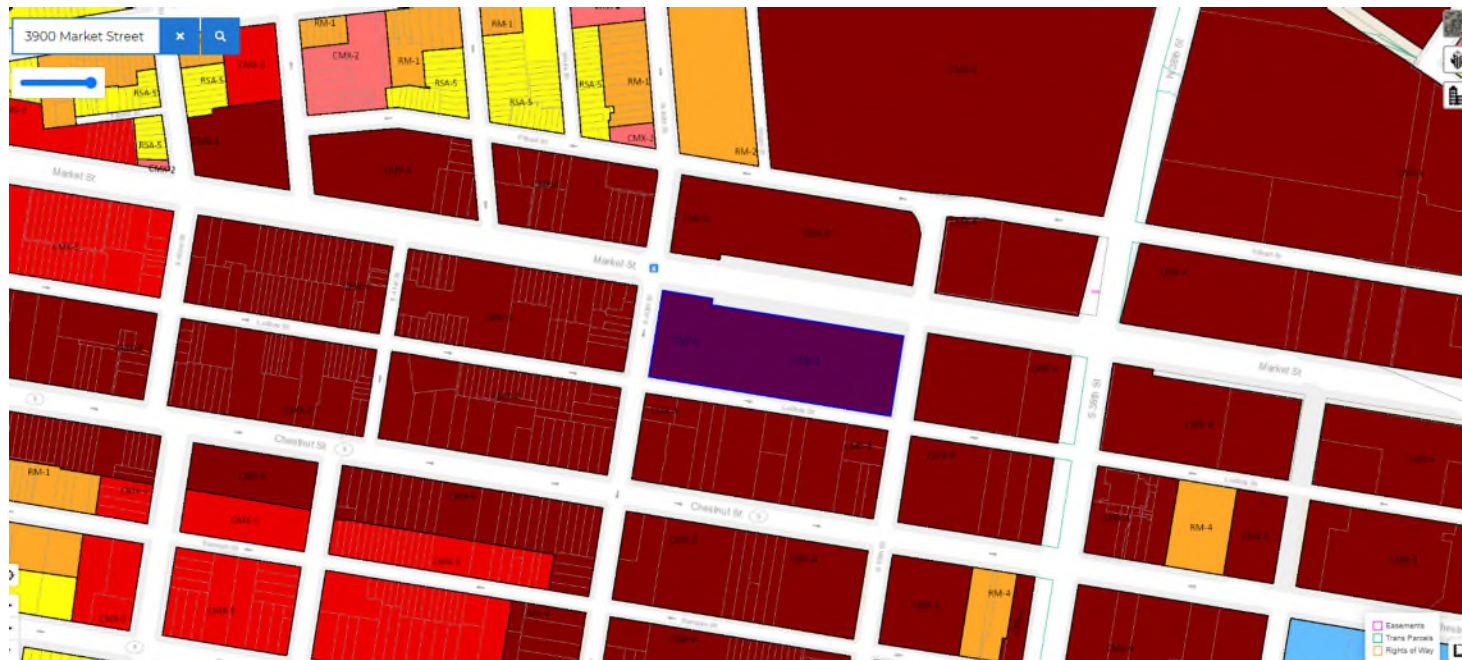
## APPENDIX TO VERIFIED COMPLAINT

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# **EXHIBIT 1**

## **Zoning Map**





# **EXHIBIT 2**

## **1982 HUD Contract**

## REGULATORY AGREEMENT FOR INSURED MULTI-FAMILY HOUSING PROJECTS

(With Section 8 Housing Assistance Payments Contracts)

Project No.: 034-32037-LD

HAP CONTRACT NO.: PA26-0037-008

Mortgagee Central Mortgage Company

Amount of Mortgage Note \$3,807,400

Date June 29, 1982

Mortgage: Recorded: June 29, 1982 State Pennsylvania County Philadelphia

Date June 29, 1982

Book

Page

Originally endorsed for insurance under Section 220 of the National Housing Act.

This Agreement entered into this 29th day of June, 1982, between  
I.B.I.D. Associates, a Pennsylvania limited partnership,  
whose address is 115 New Street,

Glenside, Pennsylvania 19038  
their successors, heirs, and assigns (jointly and severally, hereinafter referred to as Owners) and the undersigned Secretary of Housing  
and Urban Development and his/her successors (hereinafter referred to as Secretary).

In consideration of the endorsement for insurance by the Secretary of the above described note or in consideration of the consent of the Secretary to the transfer of the mortgaged property or the sale and conveyance of the mortgaged property by the Secretary, and in order to comply with the requirements of the National Housing Act, as amended and the Regulations adopted by the Secretary pursuant thereto, Owners agree for themselves, their successors, heirs and assigns, that in connection with the mortgaged property and the project operated thereon and so long as the contract of mortgage insurance continues in effect, and during such further period of time as the Secretary shall be the owner, holder or reinsurer of the mortgage, or during any time the Secretary is obligated to insure a mortgage on the mortgaged property:

1. Owners, except as limited by paragraph 20 hereof, assume and agree to make promptly all payments due under the note and mortgage.
2. (a) Owners shall establish or continue to maintain a reserve fund for replacements by the allocation to such reserve fund in a separate account with the mortgagee or in a safe and responsible depository designated by the mortgagee, concurrently with the beginning of payments towards amortization of the principal of the mortgage insured or held by the Secretary of an amount equal to \$1,228.75 per month unless a different date or amount is approved in writing by the Secretary. Such fund, whether in the form of a cash deposit or invested in obligations of, or fully guaranteed as to principal by, the United States of America shall at times be under the control of the mortgagee. Disbursements from such fund, whether for the purpose of effecting replacement of structural elements, and mechanical equipment of the project or for any other purpose, may be made only after receiving the consent in writing of the Secretary. In the event of a default in the terms of the mortgage, pursuant to which the loan has been accelerated, the Secretary may apply or authorized the application of the balance in such fund to the amount due on the mortgage debt as accelerated.
- (b) Where Owners are acquiring a project already subject to an insured mortgage, the reserve fund for replacements to be established will be equal to the amount due to be in such fund under existing agreements or charter provisions at the time Owners acquire such project, and payments hereunder shall begin with the first payment due on the mortgage after acquisition, unless some other method of establishing and maining the fund is approved in writing by the Secretary.
- (c) If Owners are a nonprofit entity or a limited distribution mortgagor, Owners shall establish and maintain, in addition to the reserve fund for replacements, a residual receipts fund by depositing thereto, with the mortgagee, the residual receipts, as defined herein, with 60 days after the end of the semiannual or annual fiscal period within which such receipts are realized. Residual receipts shall be under the control of the Secretary, and shall be disbursed only on the direction of the Secretary, who shall have the power and authority to direct that the residual receipts, or any part thereof, be used for such purpose as he may determine.
3. Real property covered by the mortgage and this Agreement is described in Schedule A attached hereto.
4. Except as provided in Paragraph 5 hereof:
  - (a) Owners shall make dwelling accommodations and services of the project available to occupants at charges not exceeding those established in accordance with a rental schedule approved in writing by the Secretary. Accommodations shall not be rented for a period of less than thirty (30) days, or, unless the mortgage is insured under Section 231, for more than three years. Commercial facilities shall be rented for such use and upon such terms as approved by the Secretary. Subleasing of dwelling accommodations, except for subleases of single dwelling accommodations by the tenant thereof, shall be prohibited without prior written approval of Owners and the Secretary and any lease shall so provide. Upon discovery of any unapproved sublease, Owners shall immediately demand cancellation and notify the Secretary thereof.
  - (b) Upon prior written approval by the Secretary, Owners may charge to and receive from any tenant such amounts as from time to time may be mutually agreed upon between the tenant and the Owners for any facilities and/or

- (c) The Secretary will at any time entertain a written request for a rent increase properly supported by substantiating evidence and within a reasonable time shall:
  - (i) Approve a rental schedule that is necessary to compensate for any net increase, occurring since the last approved rental schedule, in taxes (*other than income taxes*) and operating and maintenance cost over which Owners have no effective control, or
  - (ii) Deny the increase stating the reasons therefor.
- 5. (a) The criteria governing eligibility of tenants for admission to Section 8 units and the conditions of continued occupancy shall be in accordance with the Housing Assistance Payments Contract.
- (b) The maximum rent for each Section 8 unit is stated in the Housing Assistance Payments Contract and adjustments in such rents shall be made in accordance with the terms of the Housing Assistance Payments Contract.
- (c) Nothing contained herein shall be construed to relieve the Owners of any obligations under the Housing Assistance Payments Contract.
- 6. (a) If the mortgage is originally a Secretary-held purchase money mortgage, or is originally endorsed for insurance under any Section other than Section 231, Owners shall not in selecting tenants discriminate against any person or persons by reason of the fact that there are children in the family. In the event the mortgage is insured under Section 231, Owners will give preference or priority of opportunity to occupy its dwelling accommodations to elderly persons and handicapped persons as defined in the HUD Regulations.
- (b) If the mortgage is originally endorsed for insurance under Section 221, Owners shall in selecting tenants give to otherwise eligible displaced persons or families an absolute preference or priority of occupancy which shall be accomplished as follows:
  - (1) For a period of sixty (60) days from the date of original offering, unless a shorter period of time is approved in writing by the Secretary, all units shall be held for such preferred applicants, after which time any unrented units may be rented to non-preferred applicants; and
  - (2) Thereafter, and on a continuing basis, such preferred applicants shall be given preference over non-preferred applicants in their placement on a waiting list to be maintained by the Owners; and
  - (3) Notwithstanding the provisions of paragraphs (1) and (2), for 30% of the Section 8 units, the Section 221 or Section 231 occupancy preference shall be accorded only to those individuals qualifying as very low income as specified in the Housing Assistance Payments Contract.
- (c) Without the prior written approval of the Secretary not more than 25% of the number of units in a project insured under Section 231 shall be occupied by persons other than elderly persons.
- (d) All advertising or efforts to rent a project insured under Section 231 shall reflect a bona fide effort of the Owners to obtain occupancy by elderly persons.
- 7. Nonprofit Owners agree that no dividends of any nature whatsoever will be paid on the capital stock issued by the corporation.
- 8. Owners shall not without the prior written approval of the Secretary:
  - (a) Convey, transfer, or encumber any of the mortgaged property, or permit the conveyance, transfer, or encumbrance of such property.
  - (b) Assign, transfer, dispose of, or encumber any personal property of the project, including rents, or pay out any funds except from surplus cash, except for reasonable operating expenses and necessary repairs.
  - (c) Convey, assign, or transfer any beneficial interest in any trust holding title to the property, or any right to manage or receive the rents and profits from the mortgaged property.
  - (d) Remodel, add to, reconstruct, or demolish any part of the mortgaged property or subtract from any real or personal property of the project.
  - (e) Make, or receive and retain, any distribution of assets or any income of any kind of the project except surplus cash and except on the following conditions:
    - (1) All distributions shall be made only as of and after the end of a semiannual or annual fiscal period, and only as permitted by the law of the applicable jurisdiction; and, in the case of a limited distribution mortgagor, all distributions in any one fiscal year shall be limited to six per centum on the initial equity investment, as determined by the Secretary which shall be cumulative;
    - (2) No distribution shall be made from borrowed funds, prior to the completion of the project or when there is any default under this Agreement or under the note or mortgage;



- (4) There shall have been compliance with all outstanding notices of requirements for proper maintenance of the project.
- (f) Engage, except for natural persons, in any other business or activity, including the operation of any other rental project, or incur any liability or obligation not in connection with the project.
- (g) Require, as a condition of the occupancy or leasing of any unit in the project any consideration or deposit other than the prepayment of the first month's rent, plus a security deposit in an amount not in excess of one month's rent (*the gross family contribution in Section 8 units*) to guarantee the performance of the covenants of the lease. Any funds collected as security deposits shall be kept separate and apart from all other funds of the project in a trust account the amount of which shall at all times equal or exceed the aggregate of all outstanding obligations under said account.
- (h) Permit the use of the dwelling accommodations of the project for any purpose except the use which was originally intended, or permit commercial use greater than that originally approved by the Secretary.
9. (a) Owners have executed an Agreement to enter into a Housing Assistance Payments Contract or have executed a Housing Assistance Payments Contract if an insurance upon completion case. The terms of said Contract are or shall be incorporated by reference into this Regulatory Agreement.
- (b) A violation of the terms of the Housing Assistance Payments Contract may be construed to constitute a default hereunder in the sole discretion of the Secretary.
- (c) In the event said Housing Assistance Payments Contract expires or terminates before the expiration or termination of this Agreement, the provisions of this paragraph 9 and any other reference to said contract, to Section 8 and to Section 8 units contained herein shall be self-cancelling and shall no longer be effective as of the date of the expiration or termination of the Housing Assistance Payments Contract.
10. Owners shall maintain the mortgaged premises, accommodations and the grounds and equipment appurtenant thereto, in good repair and condition. In the event all or any of the buildings covered by the mortgage shall be destroyed or damaged by fire or other casualty, the money derived from any insurance on the property shall be applied in accordance with the terms of the insured mortgage.
11. Owners shall not file any petition in bankruptcy or for a receiver or in insolvency or for reorganization or composition, or make any assignment for the benefit of creditors or to a trustee for creditors, or permit an adjudication in bankruptcy or the taking possession of the mortgaged property or any part thereof under judicial process or pursuant to any power of sale, and fail to have such adverse actions set aside within forty-five (45) days.
12. (a) Any management contract entered into by Owners or any of them involving the project shall contain a provision that, in the event of default hereunder, it shall be subject to termination without penalty upon written request by the Secretary. Upon such request, Owners shall immediately arrange to terminate the contract within a period of not more than thirty (30) days and shall make arrangements satisfactory to the Secretary for continuing proper management of the project.
- (b) Payment for services, supplies, or materials shall not exceed the amount ordinarily paid for such services, supplies or materials furnished.
- (c) The mortgaged property, equipment, buildings, plans, offices, apparatus, devices, books, contracts, records, documents, and other papers relating thereto shall at all times be maintained in reasonable condition for proper audit and subject to examination and inspection at any reasonable time by the Secretary or duly authorized agents of the Secretary. Owners shall keep copies of all written contracts or other instruments which affect the mortgaged property, all or any of which may be subject to inspection and examination by the Secretary or duly authorized agents of the Secretary.
- (d) The books and accounts of the operations of the mortgaged property and of the project shall be kept in accordance with the requirements of the Secretary.
- (e) Within sixty (60) days following the end of each fiscal year, the Secretary shall be furnished with a complete annual financial report based upon an examination of the books and records of mortgagor prepared in accordance with the requirements of the Secretary, certified to by an officer or responsible Owner and, when required by the Secretary, prepared and certified by a Certified Public Accountant, or other person acceptable to the Secretary.
- (f) At request of the Secretary, or duly authorized agents of the Secretary, the Owners shall furnish monthly occupancy reports and shall give specific answers to questions upon which information is desired from time to time relative to the income, assets, liabilities, contract, operation, and condition of the property and the status of the insured mortgage.
- (g) All rents and other receipts of the project shall be deposited in the name of the project in a bank, whose deposits are insured by the F.D.I.C. Such funds shall be withdrawn only in accordance with the provisions of this Agreement for expenses of the project or for distributions of surplus cash as permitted by Paragraph 8(e) above. Any Owner receiving funds of the project other than by such distribution of surplus cash shall immediately deposit such funds in the project bank account and failing so to do in violation of this Agreement shall hold such funds in trust. Any Owner receiving property of the project in violation of this Agreement shall immediately deliver such property to the project and failing so to do shall hold such property in trust. At such time as the Owners shall have lost control and/or possession of the project, all funds held in trust shall be delivered to the mortgagee to the extent that the mortgage indebtedness has not been satisfied.

13. Owners will comply with the provisions of any Federal, State, or local law prohibiting discrimination in housing on the grounds of race, color, religion or creed, sex, or national origin, including Title VI of the Civil Rights Act of 1964 (*Public Law 88-352, 78 Stat. 241*), Title VIII of the Civil Rights Act of 1968 (*Public Law 90-284, 82 Stat. 73*) Executive Order 11063, and all requirements imposed by or pursuant to the regulations of the Department of Housing and Urban Development implementing these authorities (*including 24 CFR Parts 1, 100, and 110, and Subparts I and M of Part 200*).
14. Upon a violation of any of the above provisions of this Agreement by Owners, the Secretary may give written notice, thereof, to Owners, by registered or certified mail, addressed to the addresses stated in this Agreement, or such other addresses as may subsequently, upon appropriate written notice thereof to the Secretary, be designated by the Owners as their legal business address. If such violation is not corrected to the satisfaction of the Secretary within thirty (30) days after the date such notice is mailed or within such further time as the Secretary determines is necessary to correct the violation, without further notice the Secretary may declare a default under this Agreement effective on the date of such declaration of default and upon such default the Secretary may:
  - (a) (i) If the Secretary holds the note - declare the whole of said indebtedness immediately due and payable and then proceed with the foreclosure of the mortgage;
  - (ii) If said note is not held by the Secretary - notify the holder of the note of such default and request holder to declare a default under the note and mortgage, and holder after receiving such notice and request, but not otherwise, at its option, may declare the whole indebtedness due, and thereupon proceed with foreclosure of the mortgage, or assign the note and mortgage to the Secretary as provided in the Regulations;
  - (b) Collect all rents and charges in connection with the operation of the project and use such collections to pay the obligations under this Agreement and under the note and mortgage and the necessary expenses of preserving the property and operating the project;
  - (c) Take possession of the project, bring any action necessary to enforce any rights of the Owners growing out of the project operation, and operate the project in accordance with the terms of this Agreement until such time as the Secretary in his discretion determines that the Owners are again in a position to operate the project in accordance with terms of this Agreement and in compliance with the requirements of the note and mortgage;
  - (d) Apply to any court, State or Federal, for specific performance of this Agreement, for an injunction against any violation of this Agreement, for the appointment of a receiver to take over and operate the project in accordance with the terms of the Agreement, or for such other relief as may be appropriate, since the injury to the Secretary arising from a default under any of the terms of this Agreement would be irreparable and the amount of damage would be difficult to ascertain.
15. As security for the payment due under this Agreement to the reserve fund for replacement, and to secure the Secretary because of his liability under the endorsement of the note for insurance, and as security for the other obligations under this Agreement, the Owners respectively assign, pledge and mortgage to the Secretary their rights to the rents, profits, income and charges of whatsoever sort which they may receive or be entitled to receive from the operation of the mortgaged property, subject, however to any assignment of rents in the insured mortgage referred to herein. Until a default is declared under this Agreement, however, permission is granted to Owners to collect and retain under the provisions of this Agreement such rents, profit, income, and charges, but upon default this permission is terminated as to all rents due or collected thereafter.
16. As used in this Agreement the term:
  - (a) "Mortgage" includes "Deed of Trust", "Chattel Mortgage," "Security Instrument," and any other security for the note identified herein and endorsed for insurance or held by the Secretary;
  - (b) "Mortgagee" refers to the holder of the mortgage identified herein, its successors and assigns;
  - (c) "Owners" refers to the persons named in the first paragraph hereof and designated as "Owners, their successors, heirs and assigns";
  - (d) "Mortgaged Property" includes all property, real, personal, or mixed, covered by the mortgage or mortgages securing the note endorsed for insurance or held by the Secretary;
  - (e) "Project" includes the mortgaged property and all its other assets of whatsoever nature or wheresoever situate, used in or owned by the business conducted on said mortgaged property, which business conducted on said mortgaged property, which business is providing housing and other activities as are incidental thereto;
  - (f) "Surplus Cash" (*profit-motivated Owner*) or "Residual Receipts" (*nonprofit Owner*) means any cash remaining at the end of a semiannual and annual fiscal period after:
    - (1) the payment of:
      - (i) All sums due or currently required to be paid under the terms of any mortgage or note insured or held by the Secretary;
      - (ii) All amounts required to be deposited in the reserve fund for replacements;
      - (iii) All obligations of the project other than the insured mortgage unless funds for payment are set aside or deferment of payment has been approved by the Secretary; and



(2) the segregation of:

- (i) An amount equal to the aggregate of all special funds required to be maintained by the project;
- (ii) All tenant security deposits held:

- (g) "Residual Receipts" (*limited distribution mortgagor*) means any cash remaining at the end of a semiannual or annual fiscal period after deducting from surplus cash the amount of distributions as that term is defined below and as limited by Paragraph 8 (e) hereof;
- (h) "Distribution" means any withdrawal or taking of cash or any assets of the project, including the segregation of cash or assets for subsequent withdrawal within the limitations of Paragraph 8 (e) hereof, and excluding payment for reasonable expenses incident to the operation and maintenance of the project.
- (i) "Default" means a default declared by the Secretary when a violation of this Agreement is not corrected to the satisfaction of the Secretary within the time allowed by this Agreement or such further time as may be allowed by the Secretary after written notice;
- (j) "Section 8 units" refers to units assisted under Section 8 of the United States Housing Act of 1937 pursuant to a Housing Assistance Payments Contract.
- (k) "Housing Assistance Payments Contract" refers to a written contract between the Owner and HUD, or the Owner and a Public Housing Agency, or the Owner and a Housing Finance Agency for the purpose of providing housing assistance payments to the Owner on behalf of eligible families under Section 8 of the United States Housing Act of 1937.
- (l) "Displaced persons or families" shall mean a family or families, or a person, displaced from an urban renewal area, or as a result of government action, or as a result of a major disaster, as determined by the President pursuant to the Disaster Relief Act of 1970.
- (m) "Elderly persons" means any person, married or single, who is sixty-two years of age or over.

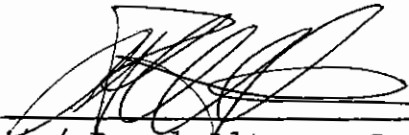
17. This instrument shall bind, and the benefits shall insure to, the respective Owners, their heirs, legal representatives, executors, administrators, successors in office or interest, and assigns, and to the Secretary and successors of the Secretary so long as the contract of mortgage insurance continues in effect, and during such further time as the Secretary shall be the owner, holder or reinsurer of the mortgage, or obligated to reinsure the mortgage.
18. Owners warrant that they have not, and will not, execute any other agreement with provisions contradictory to, or in opposition to, the provisions hereof, and that, in any event, the requirements of this Agreement are paramount and controlling as to the rights and obligations set forth and supersede any other requirements in conflict therewith.
19. The invalidity of any clause, part or provision of this Agreement shall not affect the validity of the remaining portions thereof.
20. The following Owners: I.B.I.D. Associates and all partners thereof, general and limited, do not assume personal liability for payments due under the note and mortgage, or for the payments to the reserve for replacements, or for matters not under their control, provided that said Owners shall remain liable under this Agreement only with respect to the matters hereinafter stated namely:
- (a) for funds or property of the project coming into their hands which, by the provisions hereof, they are not entitled to retain: and
  - (b) for their own acts and deeds or acts and deeds of others which they have authorized in violation of the provisions hereof.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date first hereinabove written.

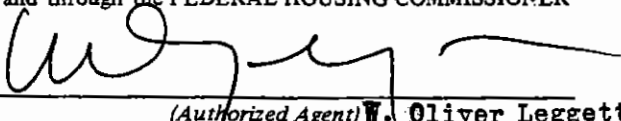
I.B.I.D. ASSOCIATES  
(Owners)

Seal

WITNESS

By   
/s/ Berel Altman, General Partner

SECRETARY OF HOUSING AND URBAN DEVELOPMENT  
acting by and through the FEDERAL HOUSING COMMISSIONER

By   
(Authorized Agent) W. Oliver Leggett

AREA MANAGER  
HUD-92465 (6-77)

(Add proper acknowledgements)

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF *Phila.* : SS

On this, the *29<sup>th</sup>* day of June, 1982, before me, the undersigned officer, personally appeared BEREL ATLMAN, who acknowledged himself to be the General Partner of I.B.I.D. Associates, a Pennsylvania limited partnership, and that he as such General Partner executed the foregoing instrument for the purposes therein contained by signing the name of the partnership by himself as General Partner.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

*Lucy A. Salmon*

Notary Public

LUCY A. SALMON

Notary Public, Phila., Phila. Co.

My Commission Expires May 20, 1985

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF *Phila.* : SS

On this, the *29<sup>th</sup>* day of June, 1982, before me, the undersigned officer, personally appeared *W. Oliver Leggett* known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

*Anne M. Forsman*

Notary Public

M. FORSMAN, Commissioner of Deeds  
For Commonwealth of Penna. From out of State  
Woodbury, Gloucester Co., N. J.  
My Commission Expires *7/1/82*

# **EXHIBIT 3**

## **2021 HUD Contract**



**U.S. Department of Housing and Urban Development**

**Office of Housing**

**Project-based Section 8**

**HOUSING ASSISTANCE PAYMENTS**

**BASIC RENEWAL CONTRACT**

**ONE-YEAR TERM**

OMB Control #2502-0587

"Public reporting burden for this collection of information is estimated to average 1 hour. This includes the time for collecting, reviewing, and reporting the data. The information is being collected for obtaining a signature on legally binding documents and will be used to enforce contractual obligations. Response to this request for information is required in order to receive the benefits to be derived. This agency may not collect this information, and you are not required to complete this form unless it has a currently valid OMB control number. No confidentiality is assured."

**PREPARATION OF CONTRACT**

Reference numbers in this form refer to notes at the end of the contract text. These endnotes are instructions for preparation of the Basic Renewal Contract. The instructions are not part of the Renewal Contract

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U.S. Department of Housing and Urban Development  
Office of Housing

**Project-based Section 8**

**HOUSING ASSISTANCE PAYMENTS**

**BASIC RENEWAL CONTRACT <sup>1</sup>**

**ONE-YEAR TERM**

**<sup>1</sup> CONTRACT INFORMATION <sup>2</sup>**

**PROJECT**

Section 8 Project Number PA260037008

Section 8 Project Number of Expiring Contract PA260037008

FHA Project Number (if applicable) N/A

Project Name University City Townhouses

**Project Description <sup>3</sup>**

3990 Market Street

Philadelphia

PA 19104

**TYPE OF RENEWAL**



Check this box for a project renewed under Section 524(a) of MAHRA (not including a Mark-Up-To-Market renewal).



Check this box for a project renewed at exception rents under Section 524(b)(1) of MAHRA.

**PARTIES TO RENEWAL CONTRACT**

**Name of Contract Administrator <sup>4</sup>**

Pennsylvania Housing Finance Agency

**Address of Contract Administrator**

211 North Front Street, P.O Box 8029

Harrisburg, PA -17105

**Name of Owner <sup>5</sup>**

I.B.I.D. Associates L.P.

**Address of Owner**

240 New York Drive, Suite 1

Fort Washington

PA 19034

**2 TERM AND FUNDING OF RENEWAL CONTRACT**

- a The Renewal Contract begins on 07/09/2021 <sup>6</sup> and shall run for a period of one year.
- b Execution of the Renewal Contract by the Contract Administrator is an obligation by HUD of \$ 552470 <sup>7</sup>, an amount sufficient to provide housing assistance payments for approximately 5 <sup>8</sup> months of the Renewal Contract term.
- c HUD will provide additional funding for the remainder of the Renewal Contract term subject to the availability of sufficient appropriations. When such appropriations are available, HUD will obligate additional funding and provide the Owner written

notification of (i) the amount of such additional funding, and (ii) the approximate period of time within the Renewal Contract term to which it will be applied.

**3 DEFINITIONS.**

**ACC.** Annual contributions contract.

**Contract rent.** The total monthly rent to owner for a contract unit, including the tenant rent (the portion of rent to owner paid by the assisted family).

**Contract units.** The units in the Project which are identified in Exhibit A by size and applicable contract rents.

**HAP contract.** A housing assistance payments contract between the Contract Administrator and the Owner.

**HUD.** The United States Department of Housing and Urban Development.

**HUD requirements.** HUD regulations and other requirements, including changes in HUD regulations and other requirements during the term of the Renewal Contract.

**MAHRA.** The Multifamily Assisted Housing Reform and Affordability Act of 1997 (Title V of Public Law No.105-65, October 27, 1997, 111 Stat.1384), as amended.

**PHA.** Public housing agency (as defined and qualified in accordance with the United States Housing Act of 1937. 42 U.S.C. 1437 et seq.).

**Project.** The housing described in section 1 of the Renewal Contract.

**Renewal Contract.** This contract, including applicable provisions of the Expiring Contract (as determined in accordance with section 5 of the Renewal Contract).

**Section 8.** Section 8 of the United States Housing Act of 1937 (42 U.S.C.1437f)

#### **4 RENEWAL CONTRACT**

##### **a Parties**

- (1)** The Renewal Contract is a housing assistance payments contract ("HAP Contract") between the Contract Administrator and the Owner of the Project (see section 1).
- (2)** If HUD is the Contract Administrator, HUD may assign the Renewal Contract to a public housing agency ("PHA") for the purpose of PHA administration of the Renewal Contract, as Contract Administrator, in accordance with the Renewal Contract (during the term of the annual contributions contract ("ACC") between HUD and the PHA). Notwithstanding such assignment, HUD shall remain a party to the provisions of the Renewal Contract that specify HUD's role pursuant to the Renewal Contract, including such provisions of section 9 (HUD requirements), section 10 (statutory changes during term) and section 11 (PHA default), of the Renewal Contract.

##### **b Statutory authority**

The Renewal Contract is entered pursuant to section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), and section 524 of MAHRA.

##### **c Expiring Contract**

Previously, the Contract Administrator and the Owner had entered into a HAP Contract ("expiring contract") to make Section 8 housing assistance payments to the Owner for eligible families living in the Project. The term of the expiring contract will end prior to the beginning of the term of the Renewal Contract.

##### **d Purpose of Renewal Contract**

- (1)** The purpose of the Renewal Contract is to renew the expiring contract for a one-year term. During the term of the Renewal Contract, the Contract Administrator shall make housing assistance payments to the Owner in accordance with the provisions of the Renewal Contract.
- (2)** Housing assistance payments shall only be paid to the Owner for contract units occupied by eligible families leasing decent, safe and sanitary units from the Owner in

accordance with statutory requirements, and with all HUD regulations and other requirements. If the Contract Administrator determines that the Owner has failed to maintain one or more contract units in decent, safe and sanitary condition, and has abated housing assistance payments to the Owner for such units, the Contract Administrator may use amounts otherwise payable to the Owner pursuant to the Renewal Contract for the purpose of relocating or rehousing assisted residents in other housing.

**e Contract units**

The Renewal Contract applies to the Contract units.

**5 EXPIRING CONTRACT - PROVISIONS RENEWED**

- a** Except as specifically modified by the Renewal Contract, all provisions of the Expiring Contract are renewed (to the extent such provisions are consistent with statutory requirements in effect at the beginning of the Renewal Contract term).
- b** All provisions of the Expiring Contract concerning any of the following subjects are not renewed, and shall not be applicable during the renewal term:
  - (1)** Identification of contract units by size and applicable contract rents;
  - (2)** The amount of the monthly contract rents;
  - (3)** Contract rent adjustments; and
  - (4)** Project account (sometimes called "HAP reserve" or "project reserve") as previously established and maintained by HUD pursuant to former Section 8(c)(6) of the United States Housing Act of 1937 (currently Section 8(c)(5) of the Act, 42 U.S.C. 1437f(c)(5)). Section 8(c)(5) does not apply to the Renewal Contract, or to payment of housing assistance payments during the Renewal Contract term.
- c** The Renewal Contract includes those provisions of the Expiring Contract that are renewed in accordance with this section 5.



**6 CONTRACT RENT****a Contract rents**

Throughout the Renewal Contract term, the contract rent for each bedroom size (number of bedrooms) shall be the contract rent amount listed in Exhibit A of the Renewal Contract.

**b No rent adjustments**

There shall be no adjustment of the contract rents during the term of the Renewal Contract. Special adjustments shall not be granted.

**7 OWNER WARRANTIES**

- a** The Owner warrants that it has the legal right to execute the Renewal Contract and to lease dwelling units covered by the contract.
- b** The Owner warrants that the rental units to be leased by the Owner under the Renewal Contract are in decent, safe and sanitary condition (as defined and determined in accordance with HUD regulations and procedures), and shall be maintained in such condition during the term of the Renewal Contract.

**8 OWNER TERMINATION NOTICE**

- a** Before termination of the Renewal Contract, the Owner shall provide written notice to the Contract Administrator and each assisted family in accordance with HUD requirements.
- b** If the Owner fails to provide such notice in accordance with the law and HUD requirements, the Owner may not increase the tenant rent payment for any assisted family until such time as the Owner has provided such notice for the required period.

**9 HUD REQUIREMENTS**

The Renewal Contract shall be construed and administered in accordance with all statutory requirements, and with all HUD regulations and other requirements, including changes in HUD regulations and other requirements during the term of the Renewal Contract. However, any changes in HUD requirements that are inconsistent with the provisions of the Renewal Contract, including the provisions of section 6 (contract rent), shall not be applicable.

**10 STATUTORY CHANGES DURING TERM**

If any statutory change during the term of the Renewal Contract is inconsistent with section 6 of the Renewal Contract, and if HUD determines, and so notifies the Contract Administrator and the Owner, that the Contract Administrator is unable to carry out the provisions of section 6 because of such statutory change, then the Contract Administrator or the Owner may terminate the Renewal Contract upon notice to the other party.

**11 PHA DEFAULT**

- a This section 11 of the Renewal Contract applies if the Contract Administrator is a PHA acting as Contract Administrator pursuant to an annual contributions contract ("ACC") between the PHA and HUD. This includes a case where HUD has assigned the Renewal Contract to a PHA Contract Administrator, for the purpose of PHA administration of the Renewal Contract.
- b If HUD determines that the PHA has committed a material and substantial breach of the PHA's obligation, as Contract Administrator, to make housing assistance payments to the Owner in accordance with the provisions of the Renewal Contract, and that the Owner is not in default of its obligations under the Renewal Contract, HUD shall take any action HUD determines necessary for the continuation of housing assistance payments to the Owner in accordance with the Renewal Contract.

**12 EXCLUSION OF THIRD-PARTY RIGHTS**

- a The Contract Administrator does not assume any responsibility for injury to, or any liability to, any person injured as a result of the Owner's action or failure to act in connection with the Contract Administrator's implementation of the Renewal Contract, or as a result of any other action or failure to act by the Owner.
- b The Owner is not the agent of the Contract Administrator or HUD, and the Renewal Contract does not create or affect any relationship between the Contract Administrator or HUD and any lender to the Owner or any suppliers, employees, contractors or subcontractors used by the Owner in connection with implementation of the Renewal Contract.
- c If the Contract Administrator is a PHA acting as Contract Administrator pursuant to an annual contributions contract ("ACC")

between the PHA and HUD, the Contract Administrator is not the agent of HUD, and the Renewal Contract does not create any relationship between HUD and any suppliers, employees, contractors or subcontractors used by the Contract Administrator to carry out functions or responsibilities in connection with contract administration under the ACC.

**13 WRITTEN NOTICES**

- a** Any notice by the Contract Administrator or the Owner to the other party pursuant to the Renewal Contract shall be given in writing.
- b** A party shall give notice at the other party's address specified in section 1 of the Renewal Contract, or at such other address as the other party has designated by a contract notice. A party gives notice to the other party by taking steps reasonably required to deliver the notice in ordinary course of business. A party receives notice when the notice is duly delivered at the party's designated address.

**SIGNATURES****Contract administrator (HUD or PHA)**

Name of Contract Administrator (Print)

Pennsylvania Housing Finance AgencyBy: Carl R Dudeck Jr

Signature of authorized representative

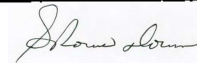
Carl Dudeck Jr,  
Director of Housing Management

Name and official title (Print)

Date 04/09/2021**U. S. Department of Housing and Urban Development**

By: \_\_\_\_\_

Signature of authorized representative

Digitally signed by: Sharon  
Rowe Downs  
DN: CN = Sharon Rowe Downs  
email = Sharon.Downs@hud.  
gov C = US O = U.S.  
Department of Housing and  
Urban Development OU =  
Multifamily  
Date: 2021.04.12 06:32:50 -  
04'00'

Name and Official title

Date: \_\_\_\_\_

**Owner**

Name of Owner (Print)

I.B.I.D. Associates L.P.By: Brett Altman

Signature of authorized representative

Brett Altman, Sole Member, IBID General Partner, LLC

Name and title (Print)

Date 4/8/2021

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**EXHIBIT A****IDENTIFICATION OF UNITS ("CONTRACT UNITS")  
BY SIZE AND APPLICABLE CONTRACT RENTS****Section 8 Contract Number: PA260037008****FHA Project Number (if applicable): N/A****Effective Date of Rent Increase (if applicable): 07/09/2021**

<b>Number of Contract Units</b>	<b>Number of Bedrooms</b>	<b>Contract Rent</b>	<b>Utility Allowance</b>	<b>Gross Rents</b>
<b>19</b>	<b>2BR</b>	<b>1,706</b>	<b>121</b>	<b>1,827</b>
<b>41</b>	<b>3BR</b>	<b>1,881</b>	<b>140</b>	<b>2,021</b>
<b>10</b>	<b>4BR</b>	<b>2,294</b>	<b>137</b>	<b>2,431</b>

Comments : \_\_\_\_\_

# **EXHIBIT 4**

**Bill No. 210778, introduced  
Sept. 30, 2021**

To amend Title 14 of The Philadelphia Code by adding Section 14-532, entitled the “/AHP, Affordable Housing Preservation Overlay District” and making other related changes; to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by 39th Street, Ludlow Street, 40th Street, and Market Street; and to establish a temporary demolition moratorium with respect to properties within the aforementioned area; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 14 of The Philadelphia Code is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING.

\* \* \*

CHAPTER 14-500. OVERLAY ZONING DISTRICTS

\* \* \*

§ 14-532. /AHP, Affordable Housing Preservation Overlay District.

(1) Applicability. The Affordable Housing Preservation Overlay District shall apply to lots located in the area bounded by Market Street, 39th Street, Ludlow Street and 40th Street.

(2) Use Regulations. The following standards shall apply in addition to those of the applicable base zoning district:

(a) At least 40% of all dwelling units (rounded up, if fractional), or seventy-seven units, whichever is greater, shall be provided and maintained as affordable on the same site as all other dwelling units.

(b) Any development that has received or will receive government financial assistance conditioned upon the provision of 51% or more units meeting affordability standards of a government program shall not be required to meet the requirements of subsections (a) above.

(c) All uses other than residential uses or required off-street parking must be located on the ground floor of a building.

(3) Development Standards

The maximum floor area ratio for lots zoned RMX-3 within the Affordable Housing Preservation Overlay shall be 750% of the lot area.

## (4) Motor Vehicle Parking Ratios

The minimum required parking spaces for household living is as indicated in Table 14-532-1. All other parking and loading standards are as indicated elsewhere in the Zoning Code.

Table 14-532-1: Minimum Required Parking Spaces in the /MIN

	RSD-1/2/3 RSA-1/2/3/4/5 RTA-1 RM-1 CMX-1/2/2.5	RM-2/3/4 RMX-2/3 CMX-3/4/5 IRMX	RMX-1
Household Living	0	2/10 units	2/3 units

## (5) Affordability

Affordable dwelling and sleeping units required shall be provided under the following standards. For the purposes of this section, a household shall consist of every person who lives or intends to live in the unit, regardless of age, dependency status, or relationship. The imputed household size for determining unit affordability and occupancy requirements of this section shall be equal to 1.5 people per each bedroom in the unit, except for studios, efficiencies, and sleeping units for which the imputed household size is 1 person.

## (a) Affordable rental units shall:

(.1) Have total monthly costs (including rent and utility costs) that do not exceed thirty percent (30%) of gross monthly income for households earning up to twenty percent (20%) of the Area Median Income (AMI), adjusted for household size, as reported by the U.S. Department of Housing and Urban Development (HUD) for the Philadelphia Metropolitan Statistical Area;

(.2) Be occupied by households earning up to twenty percent (20%) of the Area Median Income (AMI), adjusted by household size, as reported by HUD for the Philadelphia Metropolitan Statistical Area at the time of the household's initial occupancy of the unit; and

(.3) At no time be occupied by households earning greater than forty percent (40%) of the Area Median Income (AMI), adjusted by household size, as reported by HUD for the Philadelphia Metropolitan Statistical Area; provided that, in the event the income of a tenant is found by the Department of Planning and Development to exceed the maximum income provided for by this subsection (iii), a tenant shall nonetheless be deemed in compliance with this subsection (iii) until the first expiration of a lease occurring after the tenant's income first exceeded the maximum permitted by this subsection (iii). The Department of Planning and Development may waive this requirement upon a showing of exceptional circumstances



(b) The standards of §14-702(7)(b)(.2) through (.5) shall apply.

(c) Applicants shall be encouraged to partner with community development corporations and other community-based organizations in developing and executing plans for marketing units and evaluating the qualifications of potential occupants.

(d) Compliance check, remedies, and regulations of § 14-702(7)(d) through (g) shall apply.

#### (6) Marketing and Equal Opportunity

Any development shall be subject to the requirement that no zoning permit shall be issued unless an applicant has met with Registered Community Organizations (“RCOs”) whose boundaries include the applicant’s property to present a Marketing and Occupancy Plan and an Economic Opportunity Plan, in accordance with subsections (a) through (c), below; has subsequently filed the Plans with either a division of the Department of Commerce responsible for monitoring participation by minority, women, and disabled-owned businesses or any other City agency designated by the Mayor; and has subsequently made available a copy of the Plans to the RCOs.

(a) A Marketing and Occupancy Plan shall describe how the permit applicant will market and occupy affordable and market-rate units within the development.

(b) An Economic Opportunity Plan shall include a description of all efforts to be taken to foster meaningful and representative opportunities for participation by M/W/DSBEs and an appropriately diverse workforce in connection with the project. Such description shall include certification and documentation of any and all actions taken with respect to solicitation and other activities as set forth in subparagraphs (1)(d)(.3)(.a)-(c) of Section 17-1603 of the Code (“Economic Opportunity Plan: Contents”); a statement of past practices to develop diversity at any and all levels of the organization, as described in subsection (1)(f) of 17-1603; and a statement of equity ownership, as described in subsection 17-1603(1)(g)(.2); provided that the requirements of § 17-1600 shall not otherwise apply to this § 14-531.

(c) The applicant must meet the applicable requirements of § 14-303(12) (Neighborhood Notice and Meetings), regardless of whether those provisions would otherwise apply. The applicant may fulfill the requirement of meeting with RCOs in this subsection (c) by presenting such Plans at the Neighborhood Meeting required under § 14-303(12).

(d) L&I and the Commission are authorized to promulgate such regulations as are necessary and appropriate to implement the provisions of this section.

\* \* \*

SECTION 2. Pursuant to Section 14-106 of The Philadelphia Code, the Philadelphia Zoning Maps are hereby amended by changing the zoning designations of certain areas of land within an area bounded by Market Street, 39th Street, Ludlow Street, and 40th Street from the existing zoning designations indicated on Map “A” set forth below to the zoning designations indicated on Map “B” set forth below.

SECTION 3. Intentionally left blank.

SECTION 4. This Ordinance shall take effect immediately following its enactment.

MAP “A”

[SEE ATTACHED]

MAP “B”

[SEE ATTACHED]

End

# **EXHIBIT 5**

**Oct. 21, 2021**

## **City Planning Meeting Transcript Excerpt**

**City Planning Meeting – Trego**  
**2:39:30 to 3:07:54**

Anne Fadullon	Okay that now takes us to Item No. 14, which is Zoning Bill 210778.
Nicole Osdemir	<p>Good afternoon, commissioners and everyone. My name is Nicole Osdemir with PCP Commissions Staff. Today I am presenting Zoning Bill 210778, which is an ordinance which amends um Title 14 of the Zoning Code by adding in um the slash AHP or Affordable Housing Preservation Overlay District. It also amends the zoning maps by changing the zoning – up on the end – uh boundaried by 39<sup>th</sup> Street, Ludlow Street, 40<sup>th</sup> Street, Market Street and also establishes a temporary demolition moratorium. This Bill was introduced by council member Gauthier on September 30<sup>th</sup> of this year.</p> <p>Next slide please. Here we have an aerial contacts map with the site in question highlighted in red, which scan is bounded by 39<sup>th</sup> and Ludlow, 40<sup>th</sup> and Market Street in West Philadelphia.</p> <p>Next slide please. And then here’s just a more zoomed in aerial look at the site, which is currently um an affordable housing development that includes service parking and some open space.</p> <p>This Bill was, um, came out of councilmember Gauthier’s office. It has a number of components in an attempt to preserve the Affordable Housing that is currently at this site and to potentially delay um eviction of current residents. The site’s current owners have notified the U.S. Department of Housing and Urban Development that they will not be renewing their expiring Affordable Housing Contracts and plan on selling the site. They also have notified the current tenants that they must leave their homes by July of 2022.</p> <p>Next slide please. Here are just a couple of street view images of the site. This one is looking at the site at 39<sup>th</sup> and Market.</p> <p>Next slide please. And then this one is just at 40<sup>th</sup> and Market with the entrance to the 40<sup>th</sup> uh Street El station just to the right of the view.</p> <p>Next slide please. So the first component of this Bill is a base zone remapping. The site is currently zoned DMX4, which is the second most dense commercial mixed-use zoning designation.</p> <p>Next slide please. And the Bill proposes to change the base zoning of the site to RMX3 or Residential Mixed Use Space.</p> <p>Next slide please. The next part of this bill um creates the AHP overlay or Affordable Housing Preservation overlay with a number of regulations. So at least 40% of all dwelling units, or 77 units, uh whichever number is</p>

	<p>greater, must be affordable units located on the same site as any potential other market rate unit. All other uses besides residential, and any required accessory parking, must be located on the ground floor of a building. Um, and it would event any development that has or will receive government funding for providing at least uh 51% or greater units of affordable housing.</p> <p>Next slide please. Um it sets out the maximum FAR for RMX3 uh at 750, and it requires two parking spaces per 10 dwelling units.</p> <p>Next slide please. Regarding affordable rental units, um it requires that they are occupied by up to 20% AMI or Area Median Income households. It requires that the total monthly costs don't exceed 30% gross monthly income or up to 20% AMI household. It states that it can't, uh these units cannot be occupied by households that earn greater than 40% AMI. It also encourages any applicants to work with CDCs or other community organizations to develop plans for marketing as well as evaluating the qualifications of potential tenants of these units.</p> <p>Next slide please. It also uses the same criteria from the mixed income bonus for terms of affordability, timing of construction, marketing, design of the buildings and material quality, as well as compliance and regulations uh for enforcement.</p> <p>Next slide please. Now regarding marketing any full opportunity, it states that the applicants must meet with uh affected RCOs to present a marketing and occupancy plan as well as an economic opportunity plan in order to get a zoning permit. Um it states that the marketing plan will describe how the applicant will market and fill both the affordable and market-rate units, and it authorizes L&amp;I and PCPC to create any regulations needed to implement and regulate this overlay.</p> <p>Next slide please. Um and then the third key part of this Bill is that it establishes a temporary demolition moratorium, um stating that no zoning permit shall be issued for a total demolition unless L&amp;I determines that this – any building is imminently dangerous or there's unsafe conditions impacting right of way or the adjacent properties, and the length of time of this moratorium is 12 months um since the date of enactment, excuse me, of this Bill.</p> <p>Next slide please. So PCPC commission staff support not only increasing the City's supply of affordable housing, but particularly understands the importance of having affordable housing available in this specific neighborhood and at this location. However, it is difficult for staff to support these efforts via the Bill. The rezoning Bill could be considered a taking of the owners' property rights. Secondly, while the staff supports the goal of keeping residents in their homes, the demolition moratorium</p>
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	<p>will expire shortly after the HUD agreement expires, and so will not be helpful in meeting that goal. The residents could still potentially be evicted, and the developer could just sit and wait out the moratorium with a vacant site.</p> <p>Furthermore, the level of affordability required in the Bill will be difficult for a new developer to achieve, certainly without government subsidy. Additionally, the Bill requires other uses outside of residential or accessory parking to be limited to the ground floor. While this is a large site that could have multiple structures, it limits the possibility of having comprehensive mixed-use buildings, which is what the current base zoning calls for and what is recommended in the comprehensive plan.</p> <p>With the utmost respect for the councilmember, the staff recommendation is not for approval.</p>
Anne Fadullon	Thank you Nicole. Um do we have any questions and comments on on this Bill from the, from the Commission?
Garlen Capita	Thanks Nicole, I have a question. Uh, we reviewed earlier the Fifth District overlay. Is that a tool that could be used to do some of the things that this zoning Bill is trying to do? Just in terms of like what are – what are – what, what tools are available to help support some of the goals of this zoning Bill?
Nicole Osdemir	Um,
Eleanor Sharpe	Let me help. Garlen, are you talking about [some over talking] – which – which old school – there's so many overlays today, not my favorite words
Garlen Capita	It was the Fifth District one that we talked about that they wanted to start at Spring Garden and whether Spring Garden made sense?
Eleanor Sharpe	Oh, the mixed-income housing bill [over talking]
Garlen Capita	The mixed-income housing? If you can
Eleanor Sharpe	I don't think so, but Ann can weigh in on this, because this was um, designated for affordable housing through a HUD program that the, uh owners
Anne Fadullon	I think it's um – yeah there's some complicating factors with this.
Eleanor Sharpe	Yeah
Anne Fadullon	I mean, one it's it's family housing that's very, very difficult for us to, to replicate, particularly given the location of this, right. And so, um, and what complicates it further is that um the City or the federal government

	<p>really has no – there’s no uh dollars that we have in this project that remain. So we don’t have a mortgage or anything like that, so there – there’s none – no financing to leverage, um, for us on this project. Uh obviously, given that it’s zoned CMX4 in this location, it’s a very valuable piece of property. Uh there’s just a lot of difficult issues raised on on this, on this site, so I believe this is, you know, a very uh valiant attempt by the councilwoman to try to preserve the affordability on this site in this community.</p> <p>I think what makes this Bill a little bit difficult is, for example, even if um there was a proposal to do a tax credits site on the – a project on this site – at the income levels that they’re talking about, the the the tax credit project would not pencil and be feasible. The cash flow would not work even on a tax code credit project, so it would be difficult for the project to even, um, to get, to get tax credits, uh. You know it’s just this is a very complicated issue, right. And I think uh the councilwoman I know is here, I think we should let her speak for herself, because she is very capable and able to do that, but you know I just, I just think this really is one of those sites that brings to the foreground, uh, you know, a lot of the the issues that as the City grows we we are going to be, be grappling with, and unfortunately there – there’s just not real easy answers here.</p> <p>Um, so with that I’m going to go a little bit out of turn, because we normally allow the commissioners to uh provide whatever comment they want, but given that the councilwoman is here and this is her Bill, I think it’s most appropriate to hear from her now. So can we unmute the councilwoman please?</p>
Jamie Gauthier	Hello?
Anne Fadullon	Hi, we can hear you. Go ahead.
Jamie Gauthier	<p>Okay. Wonderful. Um thank you so much to the Planning Commission for allowing me to testify regarding Bill Number 210778, and thank you to Nicole and her colleagues for their thoughtful consideration of this Bill.</p> <p>Um I am here today because 70 families who reside in extremely affordable townhomes in the heart of amenity-rich University City are at risk of displacement as soon as July 2022. The owner of the property opted out of their affordability contract with HUD and is actively seeking to maximize the profit for this mega site estimated to be worth 75 to 100 million dollars.</p> <p>Without immediate government intervention, we will lose these very affordable townhomes forever; and for the second time in 50 years, government will have allowed wealthy private interests to profit at the expense of working class black Philadelphians. Some residents who were</p>

displaced once before as a result of urban renewal will be displaced again. These families will lose access to – easy access – to transit and healthcare and jobs and schools, um and their community will be torn apart.

All of the consequences that residents stand to suffer due to government inaction run counter to APA policy goals, the 2035 comprehensive plan, and basic morality; which is why I'm here today to ask that the planning commission recommend the passage of Bill Number 210778.

Before the commission votes today, I think it's important to recount how we got here, the role that this body played in urban renewal in Philadelphia, and why this ordinance is aligned with the foundational mission of urban planning. In the late 1960s and early 1970s, during what was known as urban renewal, the City of Philadelphia raised the black bottom neighborhood to make way for a science and technology research campus, which today we know as the University City Science Center.

Thousands of Philadelphians, roughly 80% of whom were black, were displaced as a result. Not just from their homes, but from a very stable community. This block was initially slated to be a part of that research campus, but neighbors and University of Pennsylvania students banded together to fight. They demanded that site be set aside for affordable housing, so that people displaced by urban renewal had options to return, and so that they would have access to housing in the neighborhood for generations to come. And eventually a commitment was made to West Philly residents that this site would be dedicated to low income housing.

Now let's fast forward to today. Forty years after the University City townhomes first opened, our City and the 3<sup>rd</sup> District has changed dramatically. Housing prices have tripled in this immediate area since then. In the last two decades alone, the black population east of 52<sup>nd</sup> Street has been cut in half, and um the end of this demand is nowhere within sight. An estimated five billion dollars have been spent on construction in University City in the last decade alone.

And so all of this helps to explain why the University City townhomes are simply irreplaceable. Dozens of three-bedroom apartments with rents that are 90% cheaper than what you can get on the open market, sitting on a piece of land that is valued today at 75 to 100 million dollars. As a black woman and an urban planner, I'm well aware of how the institution of planning has exacerbated racial inequities in our cities, including Philadelphia.

These wounds of planners past are eloquently acknowledged and addressed by director Eleanor Sharpe, along with planning directors from across the country, in their Commitment to Change Statement, which notes



	<p>that planners played an integral role in the displacement of communities of color over the course of modern American history.</p> <p>That history is clearly reflected in the 3<sup>rd</sup> District. The Philadelphia City Planning Commission helped facilitate urban renewal, leading to the displacement of thousands of black bottom residents. And today this body has an opportunity to make amends to community for past wrongs, and commit to change moving forward.</p> <p>Recommending this legislation also aligns with the American Planning Association's Housing Policy Guide Statement 2B, which supports the preservation of existing affordable housing in gentrifying amenity-rich areas. Philadelphia's 2035 Comprehensive Plan likewise notes "the location of new housing, particularly housing supported by government funding, to be prioritized based on adjacency to existing community assets and strengths, commercial corridors, transit stations and stable residential blocks." In this instance we are talking about existing housing, but the same logic to preserve this community should apply.</p> <p>The University Southwest District Plan calls for mixed-use development on this site. I would argue that our proposed remapping and overlay still achieve the district's planned uh intent, and does so in a way that creates space for equity, community co community cohesion and cultural and housing preservation.</p> <p>First, the mapping change to RMX3 ensures that mixed-use development can still take place on the site at the scale of what is envisioned in the District plan. Making residential mandatory and adding the affordability requirements provides a check against the perverse market forces at play that encourage maximizing profit over the creation of inclusive neighborhoods where people with very low incomes can have housing their amenities.</p> <p>I think it's also important to note that this particular District plan was adopted in mid-2013, when real estate conditions were very different than they are now in 2021, with the market - market hotter than any of us have ever seen it before. Without more restrictive zoning, the private market will not produce or preserve affordable units in this area.</p> <p>And so today the Planning Commission has an opportunity to change that, and to align its official actions with the values that I think we all hold. I urge the Planning Commission to recommend the adoption of Bill Number 210778. Thank you.</p>
Anne Fadullon	<p>Thank you very much, councilwoman. And we we really appreciate those comments. Um I'm gonna go back to seeing if anybody else from the</p>

	Commission has any questions or comments on this item, and then we'll hear the rest of the public comments.
Michael Johns	<p>Yeah, yeah I do. Um and this is, this is one of those sites that I know <i>very</i> well, um, and it, it pains me to even think that the, that these, it - it will no longer be affordable housing. I've watched the neighborhood change. I see that site - across the street from that site it is an affordable senior building. I see right next to that it's another affordable senior building, and as these, um sort of pillars, right, of affordability in a neighborhood that has <i>all</i> of the amenities - education, transportation, you know, job opportunities, walkability -- um be potentially lost, there needs to be some intervention, right.</p> <p>And, you know, maybe this is not the greatest Bill, but you've gotta do something, and, and you've gotta make a stand somewhere or else you're going to lose any affordability in that neighborhood altogether. I mean, you just kind of look, you know, it's just that the movement is there, and the, you know, there'll be absolutely no affordability at some point in that neighborhood if this - like I like I said - if this site goes, the senior building is goin next. Right next to that, the next thing you're building is gone, you know. 3801 - it's probably gone. You know what I mean? So, you know it may not be the best, but some, some place, somewhere you gotta put a you gotta put your foot in it - in you know in the ground, and say let's, let's do something, you know. And maybe that causes some additional interaction, um or intervention, um and my battery is going low, I'm gonna plug this in. So that's my comment.</p>
Anne Fadullon	Thanks. Thank you commissioner Johns.
Michael Johns	Yep
Anne Fadullon	Uh, any other commissioners that would like to provide comment or have a question on this matter?
Garlen Capita	<p>I would just like to show support for what the Bill is trying to do, and to really appreciate um council um woman Jamie Gauthier's really um passionate and emotional plea for preserving affordable housing. Recognizing that the cost of building the affordable housing and our opportunity to do so is so limited I completely agree with um commissioner Johns in that, even if this runs into issues, can we take a stand in saying that as a planning commission, if we really do believe in equity and sustainability in building this community where all of these people can continue to be, that we have to be empowered to be able to do so, and this Bill starts to talk about what that power looks like.</p>
Anne Fadullon	Thank you commissioner Capita. Uh, any other commissioners?

Patrick Eiding	I have a question.
Anne Fadullon	Go ahead commissioner Eiding.
Patrick Eiding	If this is voted down, this recommendation, does the Bill go through or do we have to have a separate motion?
Anne Fadullon	Uh, well, if – if the motion was made and approved by the commission to uh accept staff recommendation, which is not for approval, or the reverse, um again the role of the planning commission is advisory only. So yeah it is – you know the the the councilwoman – it is in her uh purview to continue to move this Bill forward. It is scheduled for a Rules Committee hearing on the 26 <sup>th</sup> . I would uh assume, based on the councilwoman's very passionate comments, that she intends to have the Bill heard at the Rules Committee on the 26 <sup>th</sup> so I would assume that regardless of how this commission recommends that the Bill will continue to move forward.
Maria Gonzalez	Hi. I, I I think that, you know, I commend the councilwoman um for really thinking outside the box, and for really, um you know, uh preserving, trying to preserve affordable housing in many parts of a neighborhood that have been gentrified and there's really no affordable housing being built, and preserving that for the families. Um, and another comment that I have is that, you know, if this Bill moves forward or is being heard at the Rules Committee, I think that there should be some talk about some of the restrictions, um especially about um you know, having or making recommendations for economically viable uh housing activity. I think that some of the recommendations are not economically viable, um so maybe it is deserving of, you know, taking a looksee and making some other adjustments. Um and also, um you know, desperate times you know, you need desperate measures, and you know need to make a stand, especially with all the, uh the gentrification and also the displacement that has happened in many of our communities, so really kudos to you for um, you know, thinking differently and um you know, coming up with this Bill.
Anne Fadullon	Any other commissioners? Alright, I do believe we have some additional hands up, so Greg lets go to public comment.
Greg Waldman	Um yes, uh this is Greg Waldman from planning commission staff. Um I see three hands that are raised, uh the first one that I'm seeing after councilmember uh Gauthier is uh Lewis uh Baum. And you can unmute yourself.
Louis Baum [totally guessing at spelling]	Hello, uh yes. Uh I don't believe my hand was raised, but um, I'll be happy to speak a little bit.

Greg Waldman	It's up to you
Louis Baum	The uh, the first thing I would say is the, the objection to this Bill being a taking of the of owners' property rights. Um if that were case, it would seem to me that any overlay is a taking, and certainly other overlays have been approved before. Um this Bill, um it primarily is a subset of the mixed income neighborhoods Bill, which the commission uh did approve with, with uh uh, amendments earlier. Um, the, it - obviously it also includes a change in zoning and something to do with uh, uh demolition, which are different - but the rest of it's kind of a, a subset. That's all I'll say for right now. I, I, thank you.
Anne Fadullon	Thank you Mr. Baum, and Greg I think we have another one.
Greg Waldman	We have a couple others. Um we have a Mark Harris, uh who I believe is being unmuted momentarily, at the moment.
Mark Harris	Thank you sir.
Anne Fadullon	Go ahead Mr. Harris.
Mark Harris	I understand the concerns of the planning commission as expressed, but I'm disappointed that all their comments seem to be negative. They haven't made any useful or positive suggestions for how this uh proposal might be amended to make it more practical. So we're all in agreement I think that we'd like to preserve this affordable housing, uh but the planning commission is not doing anything to assist us to that objective.
Greg Waldman	Um, next we have a Ms. Wigham, and I apologize if I'm pronouncing that incorrectly. Um, I believe you still have to unmute. There is um, Ms. Wigham there is a mute button, which is on the bottom left-hand side of your screen.
Ms. Wigham	Sorry. I apologize that I hit it by mistake [laughs]. I'm pretty new at this but I will chime in for just a second and, um, you know affordable housing in our community has become a rarity, and so with this situation that's goin on and all the developments that are going on in particular neighborhoods um that are high density, um, the area in which they wanna destroy - I'm gonna use that word - <b>destroy</b> um actually should be reconsidered. Um like I said, affordable housing in this community, in this City, is difficult. So to um, you know displace people over money, greed over lives, I think should be considered. So thank you.
Anne Fadullon	Thank you Ms. Wigham. Uh Greg do you have any other hands up from the public?

Greg Waldman	There are no more hands at this time, Chair.
Anne Fadullon	Thank you. Uh thank you for, commissioners for your comments on this Bill, uh and and thank you for all of the public participants that spoke and particularly the councilwoman, uh and I'm gonna call for a motion on this item.
Patrick Eiding	I make a motion that we do not approve the recommendation of the uh staff.
Michael Johns	I second.
Anne Fadullon	A motion has been made by commissioner Eiding and um seconded by commissioner Johns to, uh once again, double negative, which is to <i>not</i> accept the staff recommendation which is for <i>not</i> approval, which means essentially that the commission would recommend approval on this Bill. Uh, commissioner Gonzalez?
Maria Gonzalez	Yes.
Anne Fadullon	All right. Commissioner Eiding?
Patrick Eiding	Yes
Anne Fadullon	Commissioner Gaston?
Cheryl Gaston	Gonna abstain.
Anne Fadullon	Commissioner Capita?
Garlen Capita	Yes
Anne Fadullon	Commissioner Syrnick?
Joseph Syrnick	Yes
Anne Fadullon	Commissioner Rashid?
Michael Rashid	Yes
Anne Fadullon	Commissioner Valle?
Ximena Valle	Yes
Anne Fadullon	Commissioner Johns?
Michael Johns	Yes

Anne Fadullon	Commissioner Lamb?
Cat Lamb	No
Anne Fadullon	Commissioner Castle?
Charlotte Castle	Abstain
Anne Fadullon	Okay. Uh we had a couple of abstentions and one no, but we had the ayes carry, so uh just to be clear, for the record, the uh recommendation on this item is for approval for Zoning Bill 210778. Thank you all.

# **EXHIBIT 6**

## **Oct. 26, 2021 Philadelphia City County Rules Committee Meeting Transcript**



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October 26, 2021

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COUNCIL OF THE CITY OF PHILADELPHIA

COMMITTEE ON RULES

Remote location using Microsoft® Teams  
Tuesday, October 26, 2021  
10:00 a.m.

PRESENT:

COUNCILMAN KENYATTA JOHNSON, CHAIR  
COUNCILMAN MARK SQUILLA, VICE-CHAIR  
COUNCILWOMAN CINDY BASS  
COUNCILWOMAN KATHERINE GILMORE RICHARDSON  
COUNCILMAN DAVID OH  
COUNCILMAN BRIAN J. O'NEILL  
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ

ALSO PRESENT:

COUNCILMAN ALLAN DOMB  
COUNCILWOMAN JAMIE GAUTHIER

BILLS: 210549, 210634, 210637, 210638, 210667,  
210668, 210686, 210687, 210741, 210742,  
210778, 210808

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COUNCILMAN JOHNSON: Good morning, everyone.

I understand that state law currently requires that the following announcement be made at the beginning of every remote public hearing as follows: Due to the current public health emergency, City Council Committees are currently meeting remotely. We are using Microsoft Teams to make these remote hearings possible.

Instructions for how the public may view and offer public testimony at public hearings at Council Committees are included in the notices that are published at the Daily News, Inquirer and Legal Intelligencer prior to the hearings and can also be found on PHLCouncil.com.

Will the Clerk please call the roll to take attendance. Members that are in attendance will please indicate that they are present when their names are called. Also, please say a few

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brief words when responding so that your  
image will be displayed on screen when  
you speak.

THE CLERK: Councilmember Mark  
Squilla.

COUNCILMAN SQUILLA: Good  
morning, Mr. Chair. Present.

THE CLERK: Councilmember Maria  
Quinones-Sanchez.

COUNCILWOMAN QUINONES-SANCHEZ:  
Good morning, Council Chair and members.

THE CLERK: Councilmember Cindy  
Bass.

COUNCILWOMAN BASS: Good  
morning, Mr. Chairman, colleagues and  
all in attendance for today's hearing.  
Good morning.

THE CLERK: Councilmember David  
Oh.

COUNCILMAN OH: Good morning,  
Chair. Good morning, colleagues.

THE CLERK: Councilmember  
Katherine Gilmore Richardson.

COUNCILWOMAN GILMORE  
RICHARDSON: Good morning, Mr. Chair.

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Good morning, colleagues. Thank you  
very, very much.

THE CLERK: Councilmember Brian  
O'Neill.

COUNCILMAN O'NEILL: Good  
morning, everyone.

THE CLERK: And also present,  
Councilmember Jamie Gauthier.

COUNCILWOMAN GAUTHIER: Good  
morning, Mr. Chair, members of the  
Committee and to the public. Present.

COUNCILMAN JOHNSON: Thank you  
very much, Brett.

A quorum of the Committee is  
present and this hearing is now called  
to order. This is the public hearing of  
the Committee on Rules regarding Bill  
Nos. 210549, 210634, 210637, 210638,  
210667, 210668, 210686, 210687, 210741,  
210742, 210778, and 210808. Very full  
schedule today.

Will the Clerk please read the  
titles of the bills.

THE CLERK: Bill No. 210638, a  
bill to amend the Philadelphia Zoning

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Maps by changing the zoning designations of certain areas of land located within an area bounded by 11th Street, Reed Street, 12th Street and Wharton Street to amend Title 14, by adding the South Philadelphia Municipal Hub Overlay District, and making other related changes, and approving the Residential Mixed-Use-2 District Master Plan for the site generally bounded by 11th Street, Reed Street, 12th Street and Wharton Street, all under certain terms and conditions.

Bill No. 210637, amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending certain provisions of Chapter 14-800, entitled "Parking and Loading," pertaining to parking requirements for uses in historically designated properties, all under certain terms and conditions.

Bill No. 210686, to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of

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land located within an area bounded by Walnut Street, 9th Street, Locust Street and 10th Street.

Bill No. 210687, to amend the Philadelphia Zoning Maps by changing the zoning designation of certain areas of land located within an area bounded by Trenton Avenue, Cambria Street, Tulip Street and William Street.

Bill No. 210549, approving an amendment to the Articles of Incorporation of the City Avenue Special Services District of Philadelphia and Lower Merion to extend the term of existence of the District to December 31, 2042.

Bill No. 210667, amending Title 14-529 of The Philadelphia Code, entitled "Fifth District Overlay District," to prohibit certain bonuses, all under certain terms and conditions.

Bill No. 210668, amending Section 14-504 of The Philadelphia Code, entitled "Neighborhood Conservation Overlay Districts," by expanding the

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existing Strawberry Mansion/NCO area to include the area bounded by Lehigh Avenue, 29th Street and Sedgley Avenue, under certain terms and conditions.

Bill No. 210741, to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by 20th Street, Arch Street, Cuthbert Street and 21st Street, all under certain terms and conditions.

Bill No. 210742, amending Section 14-502 of The Philadelphia Code, entitled "Center City Overlay District," by amending certain height regulations and creating bulk and massing controls with the Benjamin Franklin Parkway Area, all under certain terms and conditions.

Bill No. 210808, to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by all Oxford Avenue, Shelmire Avenue, Rising Sun Avenue, Solly Avenue, the County Line, Borbeck Avenue, Hasbrook



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Avenue and Hartel Avenue.

Bill No. 210634, to amend the  
Master Plan for the University of  
Pennsylvania by areas of land located  
within an area bounded by Guardian  
Drive, East Service Drive, Civic Center  
Boulevard, 34th Street, 33rd Street and  
Walnut Street and the Schuylkill River,  
34th Street and University Avenue.

And Bill 210778, to amend Title  
14 of The Philadelphia Code by adding  
Section 14-532, entitled "Affordable  
Housing Preservation Overlay District"  
and making other related changes --

(Background interruption.)

THE CLERK: Will someone please  
mute your microphone.

(Background interruption.)

COUNCILMAN JOHNSON: Everyone,  
if you're not speaking, please put your  
camera on mute. Thank you.

THE CLERK: -- to amend the  
Philadelphia Zoning Maps by changing the  
zoning designation of certain areas of  
land located within an area bounded by

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39th Street, Ludlow Street, 40th Street  
and Market Street, and to establish a  
temporary demolition moratorium with  
respect to properties within the  
aforementioned area, all under certain  
terms and conditions.

COUNCILMAN JOHNSON: Thank you  
very much, Brett.

Before we begin to hear  
testimony from the witnesses we have for  
today, everyone who has been invited to  
the meeting to testify should be aware  
that this public hearing is being  
recorded. Because the hearing is  
public, participants and viewers have no  
reasonable expectation of privacy. By  
continuing to be in the meeting, you are  
consenting to being recorded.

Additionally, prior to  
recognizing Members for the questions or  
comments they have for witnesses, I will  
note for the record at this time that we  
will use the chat feature available in  
Microsoft Teams to allow Members to  
signify that they wish to be recognized.

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In order to comply with the Sunshine Act, the chat feature must only be used for this purpose.

Before we begin, please let the record reflect that Bill No. 210741 is being held at the request of the sponsor and will be heard at a later date.

Will the Clerk please call for the -- one second. Hey, Brett, is there another bill that we want to hold as well?

THE CLERK: There will be another bill that is held, but we are hearing it today.

COUNCILMAN JOHNSON: Okay. Thank you. So we're going to move forward with what we have right now.

Will the Clerk please call the panel for Bill No. 210638.

THE CLERK: We have Paula Brumelow Burns and Thomas Dalfo.

COUNCILMAN JOHNSON: Will you please state your name for the record and please begin your testimony.

MS. BRUMBELOW BURNS: Good

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morning, members of the Rules Committee.

I am Paul Brumelow Burns, Director of Legislation for the Philadelphia City Planning Commission. I'm here to testify on Bill No. 210638, which was introduced into City Council on June 24, 2021 by Councilmember Squilla.

Bill No. 210638 amends Title 14 of The Philadelphia Zoning Code, entitled "Zoning and Planning," to revise certain provisions of Chapter 14-500, entitled "Overlay Zoning Districts," by adding the Section 14-531, entitled "SMH South Philadelphia Municipal Hub Overlay District," and approving the Residential Mixed-Use-2 District, RMX-2, Master Plan for the site.

The proposed bill will remap the site to RMX-2 which is a Master Plan District, along with the attached Master Plan. The SMH overlay requires affordable dwelling units and green roofs for any new residential development on the site, changes open

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air requirements and curb-cut size restrictions as well as allowances for commercial square footage in the RMX-2 District.

The development team and the development plan for the municipal complex site was selected through an RFP process led by PIDC, with significant community engagement and the general features of the proposed Master Plan are consistent with the recommendations of the South District Plan. The Philadelphia City Planning Commission considered Bill No. 210638 at its meeting of October 26, 2021 and recommended for approval. I will be happy to answer any questions at this time.

COUNCILMAN JOHNSON: Will the Clerk please call the next panelist.

THE CLERK: Is Thomas Dalfo in the (inaudible)?

MR. DALFO: I am. Good morning. Can everyone hear me?

COUNCILMAN JOHNSON: Yes, we

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can hear you, Thomas.

MR. DALFO: Hello. My name is Thomas Dalfo. I'm Senior Vice-president for Real Estate Services at the Philadelphia Industry and Development Corporation or PIDC. PIDC managed the developers selection process for the property in question related to this bill, and I'm testifying in support of the ordinance that's been introduced.

Real briefly let me just give background on the timeline for the process because it was quite extensive for this site. PIDC at the City's request drafted and then issued a Request for Proposals for developers on October 17, 2018. And November 6, 2018 I presented to the Passyunk Square Civic Association at the general meeting regarding the RFP process.

November 14, 2018, PIDC managed a tour of the Fleet Management facility, the largest facility in this asset. And then January 18th, we had proposed a deadline for the development responses,

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and that deadline was extended somewhat in response to community concerns and requests for incorporation of affordable housing into the project, so we afforded the development community additional time to provide a response based on that.

On April 10, 2019, PIDC hosted a series of interviews with short-listed developers on their proposals for the project. I would note that the Passyunk Square Civic Association had one member on the Selection Committee, and had three members of their planning team in attendance in those developer interviews and presentations.

On October 4, 2019, the Selection Committee made a recommendation to select Alterra Property Group as the developer for the site. December 16, 2019 there was a community meeting with the City, PIDC and Alterra Property Group coordinated by the Passyunk Square Civic Association.



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We hit a bit of a hiatus with the pandemic, and earlier this year on July 20, 2021 there was another Passyunk Square Civic Association meeting focusing on the redevelopment process for the site and the planning, and PIDC participated in that. In August of this year, there was an RCO meeting that was required under the zoning code was held. And just a week or so ago, there was another meeting with the Passyunk Square Civic Association addressing some community questions regarding the fire station. That ends my testimony. I'm happy to answer any questions.

COUNCILMAN JOHNSON: Thank you very much.

The Chair will now recognize Councilman Mark Squilla to make any remarks regarding this particular bill.

COUNCILMAN SQUILLA: Thank you. Thank you, Mr. Chair.

And thank you, Paula and Tom, for your testimony. Tom, real quick and I know this has been a long process from

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the fall of '18, but this is something new that we had done, at least in my District, where we have engaged the community to be part of the selection process. Normally, the Councilperson gets a seat at that table when the selection process was done.

Real quick, Passyunk Square was at this selection process and also inputted into the RFP, especially with the concern with the affordability process. Has it been done before where the community group has been a part of the selection process as far as one of the RFPs that PIDC has done previously?

MR. DALFO: Councilman, not to this extent. The level of coordination and involvement that we've had with the Passyunk Square Civic Association really represents the most intensive amount of community coordination, and I think to good effect. I think the project here has been before the community a number of times, and we were able to adjust the requirements of the RFP with input from

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the community. So to answer your question, no, this is the most extensive we've had.

COUNCILMAN SQUILLA: And I just wanted to reiterate that point too because sometimes things take longer when we have a lot of concerns and questions from the community during the process. But what I think came out of this was changes in the development that we saw through that process, the process of selecting a developer depending on what proposals were given forth. And the RFP sort of changed also because of the concerns from the community.

We also looked at this as far as remapping and planning suggesting for what zoning to make this process work, and there's been questions all along and community concerns and they're still are. We still have time to work with the developer on this project for concerns from the community.

But I just want to thank PIDC and the Planning Commission because it's

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a lot more work. It took a lot more time. We did this during challenging times also. But even the process of the RCO flyer in the community to do inperson meetings, but then doing virtual meetings, you have many people on to discuss their concerns.

And we have people on both sides of this, right. We have people who said it was too dense of a project. We have people who said it wasn't enough density. We have people who said it wasn't enough parking, and the project kept evolving until we got to a point where we are now at where we're introducing an ordinance for a remapping of this whole entire area, but there's still more processes to go.

There's a Master Plan process. And maybe, Paula, can you explain how the Master Plan process works as we attach it to this ordinance?

MS. BRUMBELOW BURNS: Yes. Once the plan is attached to the ordinance, that is the approved plan.

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So if they ever want to amend it by building a building larger, they will have to come back through City Council to have that plan amended. So there will always be -- if they want to basically deviate from what they've proposed, they will always have to come back through the public process to create any amendments to the plan. So it gives more security to the neighborhood.

COUNCILMAN SQUILLA: Right.

And I want to say that because we've actually did a remapping of an area on a previous project in Passyunk Square and we were sort of burned on that project where a developer came back and because we remapped something, they were able to come back and build a more dense, more height of a building.

This allows us to know exactly what we supported as a community and then knowing that the developer can't come back later and say, oh, well, the zoning allows us to do this, therefore

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we have it already and we're going to continue that. So I think this protection is very important for the community, adding the Master Plan to the ordinance. And then the Master Plan also has to be approved by the Planning Commission, correct? You guys are now going to go through that process to approve the Master Plan?

MS. BRUMBELOW BURNS: We have approved our portion of it, so it is now up to City Council to finalize the approval of the Master Plan.

COUNCILMAN SQUILLA: So that will be done with this process?

MS. BRUMBELOW BURNS: Yes, they're done at the same time.

COUNCILMAN SQUILLA: Now, after this process is done and we remap the area, there will be then another process for the City to sell the property. Does Planning work with Public Property on the sale? Because during the RFP process, a point of the RFP was that any project here would have to have an EOP

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attached to the sale of this property.

So as the sale is being done,  
Public Property works with Planning and  
then we will be introducing an ordinance  
to sell that property; is that correct?

MS. BRUMBELOW BURNS: Yes. And  
so, the Planning Commission will then  
vote on it and it will go to the Public  
Property Committee.

COUNCILMAN SQUILLA: So that  
will come to the Public Property  
Committee. And at that Committee, there  
will be another public hearing where the  
community can weigh in. And all during  
this process, we will be able to work  
with the developer on concerns, still  
concerns that people may have and how we  
can address those concerns as this whole  
plan is finalized.

So I just want to again thank  
both Planning and PIDC. I know it's  
been a long grueling process and I know  
it's still a lot more work to do, but I  
think that by doing this and having the  
involvement in the community ahead of

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time will allow us to move forward and continue to address concerns as we hear them from our neighbors and folks close by. So thank you for that and looking forward to continue working with you on this project.

COUNCILMAN JOHNSON: Thank you very much, Councilman Squilla.

Any other questions or comments from members of the Committee on this particular bill?

(No response.)

COUNCILMAN JOHNSON: Hearing none, Councilman Squilla, I have one small question. I think it's a great project. I'm in that area quite frequently. Where is the fire station going to go?

COUNCILMAN SQUILLA: The fire station that is currently at 12th and Reed will be rebuilt on the 11th Street side of the project to the north of the fleet building. There's a current fleet building there. I forgot to mention during that process when we were doing



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the RFP for this, the neighbors really wanted to keep that fleet building as part of the development. And so, the firehouse will be north of that right next to the police station and the L&I building. And then the exit points of that will be on 11th Street and Reed Street.

COUNCILMAN JOHNSON: Cool.

Good job. We used to go get water.

It's a water fountain in --

COUNCILMAN SQUILLA: From the firehouse.

COUNCILMAN JOHNSON: The firehouse when we came from --

COUNCILMAN SQUILLA: And you'll hear some testimony. Also, there's going to be some public comment from some neighbors there that still have some concerns about the project. So we still will continue to work through this as we move on. It's a lot more work to do and a lot more engagement, so thank you.

COUNCILMAN JOHNSON: Okay.

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Good job.

If there are no other questions from members of the Committee, I want to thank the panelists and I will ask the Clerk to please call the next panel.

THE CLERK: Paula Brumbelow Burns and Patrick Grossi testifying for Bill No. 210637.

COUNCILMAN JOHNSON: Please identify yourself for the record and please begin your testimony.

MS. BRUMBELOW BURNS: Good morning, members of the Rules Committee. I'm Paula Brumbelow Burns, Director of Legislation of the Philadelphia City Planning Commission. I'm here to testify on Bill No. 210637, which was introduced into City Council on June 24, 2021 by Councilmember Squilla.

Bill No. 210637 amends Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending certain provisions of Chapter 14-800, entitled "Parking and Loading," which addresses parking requirements for uses

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on properties that are locally historically designated. This bill amends Zoning Bill No. 190611, which lowered the minimum parking requirement for properties that are locally designated historic or that contribute to a local historic district.

The proposed text of this bill removes the word addition from the regulations. This change clarifies that any new floor area located within the existing historic building will not trigger a minimum parking requirement. Any expansion outside of the historic building will continue to have a minimum parking requirement of 50 percent of the base zoning layer.

Additionally, a provision to allow that parking to be provided off-site has also been proposed in the bill. The Philadelphia City Planning Commission considered Bill No. 210637 at its meeting of July 15, 2021 and recommended for approval. I will be happy to answer any questions at this

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time.

COUNCILMAN JOHNSON: Thank you  
very much.

Will the Clerk call the next  
panel -- not panel, the next testifier.

THE CLERK: Patrick Grossi.

COUNCILMAN JOHNSON: Go ahead,  
Patrick. State your name for the record  
and you can begin.

MR. GROSSI: (Muted).

COUNCILMAN JOHNSON: You're  
still on mute, Patrick.

MR. GROSSI: My apologies.

COUNCILMAN JOHNSON: Okay.

MR. GROSSI: My name is Patrick  
Grossi. I'm here today representing the  
Preservation Alliance for Greater  
Philadelphia. Good morning, Committee  
Chair Johnson, Vice-Chair Squilla and  
members of the Committee. The  
Preservation Alliance wishes to express  
its support for Bill No. 210637. The  
original provision, which this bill  
amends, was one of the handful zoning  
changes to emerge from the historic

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Preservation Task Force.

It's a commonsense provision which relieves or reduces parking requirements with the adaptive reuse of historic properties. The bill is exclusive to properties listed on the Philadelphia Register of Historic Places, so this only applies to a small universe of buildings and potential projects city-wide. The bill encourages investment in historic properties and incentivizes listing on the Philadelphia Register to goals the Alliance has readily pursued over its 25 years.

So the current amendment before you simply brings the original bill closer to the spirit in which it was asked. And churches are particularly illustrated, if a historic church was for example being proposed for residential or commercial, the introduction of a new (inaudible) plan as you just heard would probably trigger parking requirements, and that was not the intention.

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The parking relief envisioned by the Task Force intended that projects like that would have no parking requirement unless the building was being substantially added upon, in which case parking requirements do remain in place but will reduce by roughly half. So Bill No. 210637 is a sensible tweak to an already popular bill, and we fully support it. It better incentivizes and promote the adaptive reuse of the properties, and ease the path toward continued and renewed productive use. And I thank you for your consideration.

COUNCILMAN JOHNSON: Thank you very much.

The Chair recognizes Councilman Mark Squilla before we ask for questions or comments from the Committee. Councilman Squilla.

COUNCILMAN SQUILLA: Thank you, Councilmember Johnson.

I want to thank the Preservation Alliance, Paul Steinke, Patrick Grossi for their assistance in

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this, realizing that any time we introduce legislation sometimes there's unintended consequences or sometimes people look at what we're doing and have their own take on what it means, so I think this clarifies it.

And, Patrick, maybe knowing that doing this also incentivizes a person to keep the historic structure instead of demoing it because the requirements if they demo it, they would have to then include the restrictive parking requirements; is that correct?

MR. GROSSI: I mean, certainly this only applies to properties that are standing, that are existing, that are on the local Register, and if there's a permit that would otherwise trigger parking requirements, right, some sort of zoning change, some sort of use change. So, yeah, if you were to demolish a property, somehow get permission through the Historic Commission to do that, then, yes, you're not going to receive any benefit for

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doing so. You're not going to get any parking relief by doing so.

COUNCILMAN SQUILLA: And I think that's also important as we see to try to preserve some of our historic structures. It's important to have legislation in place. And the Historic Task Force came up with a bunch of options, still a lot more that we need to work on and introduce.

But again, if we continue to go in this direction, we will start to see preservation, how important it is to keep the historic fabric of our city alive while continuing to build and develop, but allow us to be proud of our history and also to retain it.

So, Patrick, thank you again for your advocacy. And hopefully as we move forward, we will have more and more legislation to help us reach that goal. Thank you.

MR. GROSSI: Thank you.

COUNCILMAN JOHNSON: Thank you, Councilman Squilla.



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Any questions or comments from  
members of the Committee?

(No response.)

COUNCILMAN JOHNSON: Hearing  
none, I want to thank our panelists.

Will the Clerk please call the  
next panel.

THE CLERK: For Bill No.  
210686, we have Paula Brumbelow Burns.

MS. BRUMBELOW BURNS: Hi. I'm  
Paula Brumbelow Burns, Director of  
Legislation for the Philadelphia City  
Planning Commission. I am here to  
testify on Bill No. 210686, which was  
introduced into City Council on  
September 17, 2021 by Councilmember  
Squilla.

The purpose of this bill is to  
allow for the construction of a new  
biomedical research building at Thomas  
Jefferson University to replace an  
existing above-ground parking structure.  
Bill No. 210686 remaps a parcel of land  
among 9th Street between Walnut and  
Locust Streets from RMX-3 Residential

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Mixed-Use to CMX-4, Commercial Mixed-Use. This bill aligns with the Philadelphia 2035 city-wide vision recommendation to encourage institutional development and expansion through policy and careful consideration of land resources.

The Philadelphia City Planning Commission considered Bill No. 210686 at its meeting of October 21, 2021 and recommended approval. I will be happy to answer any questions at this time.

COUNCILMAN JOHNSON: Will the Clerk call the next testifier.

THE CLERK: That is the only individual for this panel. If there are questions, there are additional representatives available for the project that will be able to answer anything.

COUNCILMAN JOHNSON: Will the Clerk please recognize Councilman Mark Squilla.

COUNCILMAN SQUILLA: Thank you, Mr. Chairman.

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And I appreciate it. We have worked with the community group here, Washington Square West on this proposal. Ron Patterson representing Jefferson has been in conversations. Since we have support from the community group, we wanted to hear this today, but we're still waiting for the map to be attached and amended to this legislation.

Jefferson has also agreed to hold off. They did receive their EOP today, which is important. We want to make sure we attach that to this legislation. And Jefferson has agreed to hold this in Committee until we have the signed EOP in place, and that will probably be at the next Rules Hearing.

Mr. Patterson, do you have anything else to add as we move forward?

MR. PATTERSON: Good morning. Ronald Patterson, Klehr Harrison law firm, 1835 Market Street on behalf of Thomas Jefferson University. No, Councilman Squilla, that accurately reflects what has occurred. As you

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mentioned, we had a series of three meetings over the summer with Wash West Civic Association, and we agreed and will have a side agreement with them concerning certain provisos about the building is to be constructed such as it will be commensurate with the adjacent building in terms of height, 11 stories.

We won't be seeking any bonuses under the bump up of the change of the zoning map. And of course, the EOP plan which we're serious about, you can imagine Jefferson being a large entity, we received it this morning and we have to digest it and put it through the concurrent chain. So we're happy to proceed with the vote being held, and we will have it addressed by the next Rules Hearing.

COUNCILMAN SQUILLA: And --

MR. PATTERSON: I'm sorry. I just wanted to let you know we also have Anthony Bracali with Jefferson and Michael Hinchcliffe with Payette Architects if there are any questions

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about the projects or if you wanted to  
see renderence.

COUNCILMAN SQUILLA: Thank you,  
Mr. Patterson, and I appreciate your  
continued work and effort. And I  
appreciate also your ability to agree to  
hold this until we have the final  
mapping and EOP.

And we would like to hold this  
in Committee, Mr. Chairman, and then be  
able to amend it at the next Rules  
Hearing in November.

COUNCILMAN JOHNSON: Thank you  
very much. And I just want to give a  
shout-out to Ron Patterson from South  
Philadelphia and the Jefferson team,  
give a shout-out to you leading the  
whole Jefferson team. I know y'all  
going through a little bit of  
post-traumatic stress as it relates to  
the recent gun violence that took place  
on Jefferson campus, so all of City  
Council stand with the staff and  
employees at Jefferson Hospital.

Will the Clerk please call the

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next panel.

THE CLERK: For Bill No.  
210687, we have Paula Brumbelow Burns.

MS. BRUMBELOW BURNS: I'm Paula  
Brumbelow Burns, Director of Legislation  
for the Philadelphia City Planning  
Commission. I'm here to testify on Bill  
No. 210687, which was introduced into  
City Council on September 17, 2021 by  
Councilmember Squilla.

Bill No. 210687 amends the  
Philadelphia Zoning Maps by changing the  
zoning designations of certain areas of  
land located within an area bounded by  
Trenton Avenue, Cambria Street, Tulip  
Street and William Street. This is a  
proposed zoning map amendment from  
Residential Single-Family Attached  
District RSA-5 to RSA-6, and will be the  
first zoning map designation of an  
RSA-6, which allows for smaller lots  
with the intent of preserving the  
two-story block.

The purpose of the proposed  
changes is to facilitate redevelopment

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of vacant lots with 13 single family homes on individual lots. The development will be carried out pursuant to a redevelopment agreement with the Redevelopment Authority. The units are being developed and marketed as workforce housing.

The Philadelphia City Planning Commission considered Bill No. 210687 at its meeting of October 21, 2021 and recommended approval. I'll be happy to answer any questions at this time.

COUNCILMAN JOHNSON: Thank you. Brett, is there another testifier for this panel?

THE CLERK: Not for this panel.

COUNCILMAN JOHNSON: The Chair would like to recognize Councilman Mark Squilla.

COUNCILMAN SQUILLA: Thank you, Mr. Chair. And it seems like I'm taking up all the bills here, but this is an important project that was also done through the Land Bank, so this is the one the Land Bank proposed, the 5149

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affordable market rate projects.

The remapping here enables to keep the block as a low-dense two-story block to try to make it consistent and allow affordable development to be sold in the community that desperately needs it, so we are also amending this bill to attach an EOP to that plan. This is something that we're going to watch real closely to see if we can do this again in other areas of the District. We think it's really important to have affordability and also workforce housing where people who are now working and living in the City maybe working \$40,000, \$50,000 are able to buy a home in the City, so it's so important.

And so, we want to make sure that our intent is being followed here and that this is something that we could do with private developers also. And I want to thank the Land Bank for working through this process and guiding us as this takes place, so I want to thank them. I know they're not here today,



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but they did do a lot of work with this particular development and working with us, so thanks.

COUNCILMAN JOHNSON: Thank you, Councilman Squilla.

Any other questions or comments from members of the Committee?

(No response.)

COUNCILMAN JOHNSON: Hearing none, will the Clerk please call the next bill and the next panel.

THE CLERK: For Bill No. 210549, we have Denis Murphy and Terrence Foley.

MR. MURPHY: Good morning, Chairman Johnson and members of the Rules Committee. My name is Denis Murphy. I'm the Senior Director of Corridor Improvements for the Commerce Department. I'm here to testify in support of Bill No. 210549, amending the Articles of Incorporation of the City Avenue Special Services District of Philadelphia and Lower Merion to extend the District's term of existence until

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December 31st of 2042.

Since 1999, the City Avenue District has carried out capital improvements, public safety services, marketing and develop partnerships and engage stakeholders to bring vibrancy to this important area. The City Avenue District is critical in fostering cooperation along this important business corridor situated on the boundary between Philadelphia and Montgomery County.

The proposed legislation will extend City Avenue's term as a municipal authority for an additional 20 years. As a second step in the re-authorization, City Avenue will return to City Council for approval for an updated plan and budget. This will occur after City Avenue has shared that plan with all property owners and conducted a public hearing in accordance with the Pennsylvania law regarding municipal authorities.

Business Improvement Districts

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are one of the best examples of collaboration between the City and our commercial areas. This worthwhile effort deserves our support. Thank you for your consideration and I'm happy to answer any questions.

COUNCILMAN JOHNSON: Thank you very much.

Will the next panelist please state your name for the record and begin your testimony.

MR. FOLEY: Good morning, Chairman Johnson. I'm Terrence Foley, the President of the City Avenue Special Services District of Philadelphia and Lower Merion, better known as the City Avenue District. Before starting, I would like to thank Councilman Jones for his support of the District over the years. It's been much appreciated.

The City Ave District is a unique partnership between the City of Philadelphia and the Township of Lower Merion. It stretches from I-76 to 63rd Street along City Avenue. The

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District's objectives are to improve public safety, enhance the area's image and attract and shape development. The District is a Pennsylvania Municipal Authority and is fully funded by assessments to commercial property owners within the District, which then funds the services provided.

The City Ave District works with businesses, property owners, developers and residents to shape the future of this important corridor. This work includes new zoning on both the Philadelphia and Lower Merion sides, allowing for much opportunity for new development. The District has secured over \$14 million in funding for capital improvement projects with over \$13 million in streetscape and safety improvements having been completed over the last 10 years alone.

There is an additional \$3 million improvements that are fully funded and will be constructed next year. The economic impact of the

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District's activities is substantial.  
Hopefully you received a copy of our economic analysis that was completed by Econsult, but I will summarize here. The capital improvements alone have generated almost \$9 million of tax revenue for the City of Philadelphia. The resulting private sector investment on the corridor on the Philadelphia side has created an additional 400 new jobs. These jobs create additional direct and indirect annual expenditures of 54.6 million and employee compensation of 18.4 million each year. This increase of activities generates approximately 800,000 in additional tax revenue for the City.

The capital improvements and resulting private sector investments also generate increased property tax revenue for the City and the School District. The new construction renovations within the District increased the assessed value of those properties by \$100.5 million, generating

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an additional 1.41 million a year in property taxes.

The District is also immensely proud of its contribution to public safety. The District employs an eight-person bike patrol which has served to reduce crime by 55 percent over the last 20 years. The District also engages in community and networking opportunities for local businesses and restaurants. Over two decades of growth and achievements can be viewed in the timeline brochure that again I hope you received electronically. So I look forward to seeing the continued growth of the development of the District in the next 20 years and beyond.

The District is seeking an extension of its Articles of Incorporation for another 20 years, approval for which is required from the Township of Lower Merion and the City of Philadelphia. Lower Merion has previously granted its approval. The District will be finalizing its 20-year

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plan for services and a budget, and in keeping with the state Municipal Authorities Act, will present this plan to the property owners and conduct a public hearing. Once that is accomplished, we will return to Council for Council's approval. Thank you very much and I'm available for any questions.

COUNCILMAN JOHNSON: Thank you very much for your testimony.

The Chair recognizes Councilman Curtis Jones for remarks on his bill.

(No response.)

COUNCILMAN JOHNSON: Okay. We will move on.

The Chair recognizes Councilwoman Katherine Gilmore Richardson.

COUNCILWOMAN GILMORE

RICHARDSON: Thank you. Thank you so much, Mr. Chair.

First, I wanted to thank our colleague and my District Councilmember, Councilmember Jones, for introducing

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this legislation to extend the City Avenue Special Services District. I was around when the Special Services District first began here in Wynnefield and actually at that time lived right off of City Avenue, so have worked closely with the bike patrol and with a lot of you over the years.

And, Terrence Foley, I just want to thank for your steadfast dedication to our community and for ensuring that we always have key initiatives in our area that continue to improve not only our capital improvements, but public safety in our area. And the marketing I think has just been stellar, particularly starting down at Presidential Boulevard by 76 all the way up to 63rd Street.

But you know I would get in trouble, Terrence, particularly for my folks in Wynnefield, and that would include Wynnefield Heights and Wynnefield, Overbrook and Overbrook Farms, so I had to get this on the



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record on how you all are monitoring the types of businesses that are setting up along City Avenue, particularly I would say the Wynnefield Heights area from the Bala Cynwyd shopping center on down to 63rd Street, and how we are ensuring that the businesses that settle on that corridor, particularly on the City of Philadelphia side, that it's fair and it's equitable. I just wanted to put that on the record.

MR. FOLEY: Thank you very much. We regularly monitor what's happening in terms of new businesses. We want to support them and make sure they're successful. Our bike patrol actually is one of my first lines of telling me there's activity in a building when it's vacant. We immediately investigate and find out what's coming in there.

We have not always been successful. As you know, we have two medical marijuana dispensers which we're not happy about, but that's life. And

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we're working to make sure that they are safe.

COUNCILWOMAN GILMORE

RICHARDSON: Yes. So we work with the bike patrol folks, and they have been very, very helpful to us on the corridor, particularly in certain areas of the corridor where we may have vacant facilities. And I know that was the case between 52nd and I believe Bryn Mawr for a very short time at the old furniture store, but they have been very, very helpful.

I just want to ensure that I put on the record because I will be supporting this bill, for the members in the community that I have broached this topic to ensure that the businesses that are setting up on the City side of the City Avenue Special Services District, that it's fair and it's equitable. Because I know there is a thing in the community where there's a belief that on the Lower Merion side, they're getting the newer buildings, i.e., the old KFC,

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the residential developments and some of the other zoning changes that have been made on the Lower Merion side and that is not the same on the City side.

So I just wanted to put that on the record that we are for ensuring that any businesses that set up on the City Avenue Special Services District on the City side is both fair and equitable and that we are thinking about that for the overall vision for City Avenue from 63rd Street down to 76 West.

And then finally, Terrence, I just wanted to thank you again for your steadfast support and for all you have done with us over the last 20 years, and that was even back to the St. Joe's expansion of the dormitories at the old supermarket site and everything in between. So I just want to thank you very, very much for your work. And I look forward to continuing to work with you.

And, Mr. Chair, for that reason I will be supporting this legislation,

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and I thank my colleague Councilmember Jones for introducing this. Thank you very much.

COUNCILMAN JOHNSON: Thank you very much, Councilwoman.

Any other questions or comments from members of the Committee?

(No response.)

COUNCILMAN JOHNSON: Thank you for your testimony.

Hearing none, will the Clerk please call the next bill and next panel.

THE CLERK: For Bill No. 210667, we have Paula Brumbelow Burns.

MS. BRUMBELOW BURNS: Hi. I'm Paula Brumbelow Burns, Director of Legislation for the Philadelphia City Planning Commission. I'm here to testify on Bill No. 210667, which was introduced into City Council on September 27, 2021 by Councilmember Parker for Council President Clarke.

Bill No. 210667 will amend the VDO, 5th District Overlay by removing

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the option for applicants to earn height and density bonuses using the Mixed-Income Housing Bonus within the 5th Council District. The purpose of the Mixed-Income Housing Bonus is to promote the production of deed-restricted affordable housing in new construction and increase contributions to the Housing Trust Fund in addition for greater height and density.

This bill will apply to all properties within the overlay. The City Planning Commission at its meeting of October 21, 2021 recommended Bill No. 210667 for approval with amendments. The Commission recommends keeping the bonus in Center City, an adjacent neighborhood south of Spring Garden Street, but removing the option to pay a fee to the Housing Trust Fund. Any bonus earned would require affordable units to be built onsite. This is part of the 5th District in most need of affordable units and where we believe developers have the greatest amount of

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room in their pro-formas to accommodate onsite affordable units. I'll be happy to answer any questions at this time.

COUNCILMAN JOHNSON: Any questions or comments from members of the Committee?

(No response.)

COUNCILMAN JOHNSON: Hearing none, will the Clerk please call the next bill and panel.

THE CLERK: For Bill No. 210668, we have Paul Brumbelow Burns. We have Odessa Tate, Linda Tate and Tonetta Graham. And you can speak in the order in which your name was called.

MS. BRUMBELOW BURNS: I'm Paula Brumbelow Burns, Director of Legislation for the Philadelphia City Planning Commission. I am here to testify on Bill No. 210668, which was introduced into City Council on September 27, 2021 by Councilmember Parker for Council President Clarke.

This bill expands the Strawberry Mansion Neighborhood

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Conservation Overlay to cover the remaining two-thirds of the neighborhood. The overlay applies design and zoning standards to all residential and residentially-zoned properties.

The NCO expansion has positive goals, but it's deficient in many of the requirements that the Commission's regulations set out for creating or expanding an NCO. These requirements ensure that staff has the correct materials to be able to apply the design standards of the NCO applications for building permit. The lack of materials will hinder staff's ability to review and approve applications and may result in noticeable delays.

PCPC staff has begun conversations with the lead civic organizations and Council staff in this part of the neighborhood, a process that is collaborative, deliberative and unique to each neighborhood. The Commission supports the intention of the

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overlay and would like staff to continue working with Council and the Civics to refine the overlay in this section of the neighborhood.

The City Planning Commission at its meeting of October 21, 2021 recommended Bill No. 210668 for approval with suggested amendments that will address creating more specific design language, revised boundaries to exclude blocks that are primarily nonresidential or vacant and have further considerations on height limits. I will be happy to answer any questions at this time.

COUNCILMAN JOHNSON: Thank you very much.

Will the next panelist please state your name for the record and begin.

MS. TATE: Hello to the Chairman and the Committee. My name is Odessa Tate and I represent the Village Community of Strawberry Mansion and All In The Family CDC. I am in favor of the



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Strawberry Mansion Overlay to be included into our boundaries within Strawberry Mansion. The identity of the community is rooted in the history and unique culture of that community.

Community culture creates a sense of pride for a community and outliers of the community should not hold precedence or responsibility for community planning and not consider the community. Philadelphia itself is distinct and each neighborhood has distinct characteristics that define the area. The overlay creates opportunities for smart development and enhancement tactics that preserve neighborhoods and not just dismantle neighborhood culture with hodgepodge developments.

The overlay allows for good practice in the following: One, collaboration. This joins community stakeholders and development. Two, more predictability and the community members have better protection that supports a neighborhood's best interest. Three,

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appropriating and appreciating distinctive communities. Developments according to the overlay are attractive to communities because they intensify strong sense of place. Communities are to maintain development in accordance to recognized ability in terms of quality after infrastructure.

Communities do not deserve to lose their identities with developments when there is already an established look and feel. This overlay forces new developments to adhere to a written standard and criteria that is consistent with the comprehensive plan. Layouts of properties often have serious impacts on neighboring and nearby properties. Importantly, fundamental fairness is upheld and that details of the overlay are clearly stated for regulatory standards and are not unconstitutionally vague.

With this overlay, the expectation is to achieve higher standards and proficiency so that

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community culture and integrity are not  
compromised with new developments.  
Thank you.

COUNCILMAN JOHNSON: You're  
welcome.

Will the next panelist please  
state your name for the record and  
begin.

MS. TATE: Good morning,  
Chairman and Committee. My name is  
Glenda Tate and I'm the President of All  
In The Family Group Associates CDC and  
RCO in the Strawberry Mansion section of  
North Philadelphia, and I am in favor of  
the overlay in my community because it  
gives community organizations and  
residents a chance to communicate with  
the Planning Commission, City Council  
and developers regarding our feelings as  
community residents about new  
developments added to the current  
housing stock.

As community members, we have  
the right to say what we feel and what  
we would like to see within our

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communities because the decisions impact us greatly. The relations between developers and residents are important because it affects individuals and families residing in said community. The overlay provides regulations, boundaries and standards that would provide more protection for neighborhoods who feel that they are under siege from new development to have more impact on what development should be or look like in their neighborhoods.

To be clear, we do want to establish cohesive relationships with developers. It's not that our community does not want new development. It is the offensiveness of how the developments are propelled into communities without our input from inception. Through lack of thought for affordability and truly understanding the needs of the area, developments impact parking, the flow of traffic and overcrowding and most importantly, the cultural structure of the communities

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with overemphasized department living.

The foundation of many communities have been built on family living and with this, does the development allow with the needs of the community or unethically go against them. With the overlay in place, developments are more likely to reflect neighborhood and the culture, affordability and the characteristics of that area. Thank you.

COUNCILMAN JOHNSON: Thank you very much. Thank you.

Will the next panelist state your name for the record and begin.

THE CLERK: The next panelist is Tonetta Graham. If you are on, you may unmute yourself and begin your testimony.

(No response.)

COUNCILMAN JOHNSON: Tonetta, are you there?

(No response.)

COUNCILMAN JOHNSON: Okay. Any questions or comments from members of

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the Committee?

(No response.)

COUNCILMAN JOHNSON: Hearing none, will the Clerk please call the next bill and the next panel.

THE CLERK: For Bill No. 210742, we have Paula Brumbelow Burns and Dennis Boylan.

MS. BRUMBELOW BURNS: I'm Paula Brumbelow Burns, Director of Legislation at the City Planning Commission. I'm here to testify on Bill No. 210742, which was introduced into City Council on September 23, 2021 by Councilmember Parker for Council President Clarke. The purpose of this bill and the accompanying bill 210741, which is being held, is to allow for the redevelopment of the existing surface parking lot with a multiple-story office building.

Bill No. 210742 adjusts the maximum allowable height from 240 to 245 feet and places caveats on the applicability of CMX-5, Commercial Mixed-Use zoning provisions. These

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caveats would apply despite the status of zoning maps. The provisions of Bill No. 210742 would make it so that CMX-5 zoning applies only to an office building with retailer commercial services, onsite parking, no residential uses and a payment of \$2,515,350 is made to the Housing Trust Fund regardless of whether a Mixed-Income Housing Bonus is used.

Planning Commission staff has no problem with the adjustment to the height limit for this parcel, but the other provisions of this bill as written apply very specific standards to only one parcel and require a payment for approval condition. Planning Commission's staff feels that the proposed building does a good job of transitioning the scale of the JFK Boulevard to the lower scale of the Logan Square neighborhood to the north.

A building of this scale can be developed in CMX-4 using zoning bonuses. Alternatively, a clean remapping to

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CMX-5 would make this bill unnecessary.

The Philadelphia City Planning Commission considered Bill No. 210742 at its meeting of October 26, 2021 and recommended not for approval. I will be happy to answer any questions at this time.

COUNCILMAN JOHNSON: Any questions or comments from members of the Committee?

(No response.)

COUNCILMAN JOHNSON: I have a question. I just wanted to ask the reason why Planning Commission was not recommending the bill?

MS. BRUMBELOW BURNS: We felt that they could do either a straight CMX-5 or CMX-4 with bonuses and meet the basic requirements of it and they did not need an additional amendment to the Ben Franklin Parkway Overlay, that they could have just achieved most of this other than the 5 feet of height without a zoning overlay.

COUNCILMAN JOHNSON: Okay.



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Thank you very much.

Any questions or comments from  
members of the Committee?

(No response.)

COUNCILMAN JOHNSON: Will the  
Clerk please call the next bill and the  
next panel.

THE CLERK: We actually have  
one more individual to testify for this  
bill. It is Mr. Dennis Boylan for  
210742.

COUNCILMAN JOHNSON: Okay.  
Mr. Dennis, please state your name for  
the record and begin your testimony.

MR. BOYLAN: Good morning,  
Chairman Johnson. Dennis Boylan for the  
Logan Square Neighborhood Association.  
I'm the President of LSNA. And this  
project that's subject to the amendment  
falls within our neighborhood  
association boundaries. We were the  
coordinating RCO for this project, and  
we're a large neighborhood footprint.  
We go from Broad to Schuylkill, Market  
to Spring Garden.

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The significant feature of our neighborhood is that it's bisected by the Benjamin Franklin Parkway. Our neighborhood takes very seriously the implied obligation to safeguard development in and around the Parkway, specifically the height restrictions.

The Parkway District is home to some of the City's --

COUNCILMAN JOHNSON: Hey, Dennis.

MR. BOYLAN: Yes?

COUNCILMAN JOHNSON: Hey, Dennis, I just want to say you're not coming through clear.

Brett, do you hear full testimony from him because I'm hearing glitches?

THE CLERK: I was having no issue hearing him, but it might be --

COUNCILMAN JOHNSON: It may be where I'm located at. But go ahead, Dennis. You can continue your testimony.

MR. BOYLAN: And I have written

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testimony which I will submit to the  
Clerk afterwards.

The Parkway District is home to  
some of the City's most important  
cultural, educational and civic  
institutions and maintaining that unique  
quality is a civic duty of the  
government, the citizenry and our  
neighborhood. LSNA does not believe  
that this development will adversely  
affect the Parkway District, and it is  
for that reason that LSNA supports the  
proposed amendment to the City Code for  
this specific location.

Our process in evaluating the  
project was informed by a number of  
factors. One, the development is just  
several -- it's over two-and-a-half  
blocks away from the Ben Franklin  
Parkway. The Parkway Cooperation worked  
in very good faith with LSNA and most  
importantly, with the nearest neighbors,  
this was the Walden Walk Condominiums,  
to resolve any issues that were of  
contention.

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The development will take what has been for decades a surface parking lot, put it into a more meaningful purpose. But last but not least, the proposed occupant of the building is to be a single corporate entity bringing prestige, jobs and vitality to the City. These are some, but not all of the reasons that LSNA supports this proposed amendment. And thank you very much, Mr. Chairman.

COUNCILMAN JOHNSON: Thank you very much for your testimony.

Any other questions or comments from members of the Committee?

(No response.)

COUNCILMAN JOHNSON: Hearing none, will the Clerk please call the next bill and the next panel.

THE CLERK: For Bill No. 210808, we have Paula Brumbelow Burns.

MS. BRUMBELOW BURNS: I am Paula Brumbelow Burns, Director of Legislation for the Philadelphia City Planning Commission. I am here to

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testify on Bill No. 210808, which was introduced into City Council on October 7, 2021 by Councilmember O'Neill. Bill No. 210808 amends the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Oxford, Shelmire, Rising Sun, Solly Avenue, the County Line, Borbeck, Hasbrook and Hartel Avenues.

The bill amends all CMX-2, Commercial Mixed-Use properties to CMX-1, Commercial Mixed-Use. The zoning change will prevent the redevelopment of these lots for mixed-use development projects that the community has deemed to be incompatible with the character of the Fox Chase neighborhood.

The Central Northeast District plan recommended keeping CMX-2 zoning in this area to encourage mixed-use redevelopment of underutilized properties to strengthen the Fox Chase Business District and to encourage a strong, walkable commercial corridor.

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The new CMX-1 zoning prohibits restaurants and ground floor commercial spaces greater than 2,000 square feet. The Philadelphia City Planning Commission considered Bill No. 210808 at its meeting of October 26, 2021 and recommended not for approval. I will be happy to answer any questions at this time.

COUNCILMAN JOHNSON: Thank you very much.

The Chair recognizes Councilman O'Neill for remarks on sponsorship of his bill.

COUNCILMAN O'NEILL: Yes, Mr. Chair. Thank you.

I understand the Planning Commission's opposition. I also understand when the Planning Commission says the community feels that the current zoning is not in compatible with the character of the neighborhood. That's my responsibility, not the Planning Commission's, to make sure that the community is involved, community has

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input and in this particular case been working with the Planning Commission trying to find a solution, because in the 2035 meetings there were walks in this particular neighborhood in Fox Chase with the Planning Commission and the Board members of the Fox Chase Homeowner's Association, the RCO.

And what was sold to that community and it's been sold at different times in the past is storefront commercial, pedestrian-friendly, it's a potential little downtown for Fox Chase. It's the oldest area in my District. It has a huge train station right in this area, the dead-ends at Fox Chase, and there's an unimaginable parking problem that spills over. People come in from the suburbs because it's a cheaper monthly ticket. They park in front of people's houses. They park in -- the lot fills up and it's a large lot, and there's tremendous parking issues.

So what the neighbors and the

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community felt they were getting when they agreed to the zoning is not what they got. There have been three proposals that have been approved at the Planning Commission just in the last month or so, and the storefronts are not there.

On one property, and it's the biggest one, the developer is the same developer that's basically building as many apartment units as they can, as high as they can and as dense as they can. And you know what got left out of the equation? What the community bought which was storefront commercial.

The side streets which are commercial, particularly on this major one, it was just ignored because a developer wouldn't have gotten four floors shoved into 35-foot height which means the units are going to be about 7-and-a-half feet inside the rooms. They would have had to do three stories if the side street had been used. That was the Planning Commission's discretion



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to use the side street. And it's an  
abomination.

I've had two community meetings  
where people are just outraged, and the  
interpretation is let's not go in favor  
of the community. It goes in favor of  
the developer to get the developer to  
get the developer a by-right permit, and  
that's actually come out of  
conversations with the Planning  
Commission. That's the goal.

If we put these storefronts on  
the side, they wouldn't get their  
by-right zoning. The developer is not  
concerned about the storefront, not  
about the commercial, which is what CMX  
whether it's 1 or 2 is all about. If  
there had been a couple of stories above  
these units with residential, I wouldn't  
be here asking for CMX-1, which is much  
more community-friendly when the people  
that are making the approvals, the  
Planning Commission, are more worried  
about what the developer can squeeze in  
than what the community feels is

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compatible with their neighborhood and their understanding of what 2035, the plan of 2035 was going to include.

So I just ask my colleagues to support me on this. At the last meeting a week and a half ago, there was at least 100 people that stayed until about 11 o'clock after another meeting and gave a standing vote unanimously for this change. The three projects I mentioned, they're already permitted and that's not going to change unless somebody appeals later and all that, but it's been approved and I just ask there's a lot of other properties like that, and it's one thing to see mistakes being made and actually a community was double-crossed. But to sit back in my position representing this community and not do anything when I know something wrong happened and something right can happen in the future, that's all I'm asking for.

And I thank you, Mr. Chair.

COUNCILMAN JOHNSON: Thank you.

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I just had a question. So this is a four-story apartment building under 35 feet. Isn't the regular feet by-right 38 feet?

COUNCILMAN O'NEILL: In my District, there is a 35-foot limit. That's an overlay.

COUNCILMAN JOHNSON: But that's a lot of density under 35 feet.

COUNCILMAN O'NEILL: Yes. If it would have been a three-story building with commercial on the bottom, there's room counting the side street commercial, which it's a big wide commercial street with nothing but commercial on it. There would probably be 13 storefronts plus 3 on the other street. We're just getting the 3 storefronts on the one. Everything else is 86 apartments squeezed in. They're 500 square feet and they're just packed in, and it is an abomination. But the horse seems to be out of the barn on this. It doesn't mean we can continue to have this happen. And I just ask

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that this is prevented for the future.

It won't correct the past.

COUNCILMAN JOHNSON: Thank you.

Thank you very much, Councilman O'Neill.

COUNCILMAN O'NEILL: And it is Commercial Mixed-Use, and people understand that we have a restaurant in this that will be CMX-1. People are not concerned about a restaurant. They're concerned sometimes about a restaurant, which is good that they have to meet with the community, tell them what they are and get the community's support.

COUNCILMAN JOHNSON: Thank you.

I just had a quick question for Paula.

MS. BRUMBELOW BURNS: Yes.

COUNCILMAN JOHNSON: Just for clarity, Paula, when there's projects that don't fall through on the original intent of what the Planning Commission has proposed, what's the recourse? Does the project just move forward and then you have situations like this where the Councilman has to come and try to provide corrective action or circle back

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with the developer and say, hey, here's the policy as opposed to how you're supposed to develop to hold them accountable?

MS. BRUMBELOW BURNS: I'm going to say I have not seen the plan that was brought up as the example in question, so I'm going to apologize. But if the commercial wasn't being met or it didn't meet the spirit of the code and they feel that there was an error in the issuing of the review or the permit, we can always or the Council office, a neighbor, another property owner always has the right to appeal the zoning permit based on an error of information not being provided adequately. So there's always that route.

There's always the best if it was an as-of-right permit. We can always look more at the zoning code and kind of figure out is it the 35 feet, is it a three-story issue, how do we come up with bigger answers. Sometimes when we're in a rush to stop everything we

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don't always get to take as thoughtful of a look as we'd like. So we're always willing at the Planning Commission to go back and take a more thoughtful look instead of just the -- I understand the reaction time. But we can also after this reaction time still look thoughtfully and see if there's other solutions that need to be made.

COUNCILMAN JOHNSON: Okay.

Thank you very --

COUNCILMAN O'NEILL: Mr. Chair, if I can just follow up.

COUNCILMAN JOHNSON: Yes.

COUNCILMAN O'NEILL: There's been plenty of time because there were two projects initially. The large one I mentioned with all the side street commercial possibility that was turned down, the Planning Commission has reviewed it. They're sticking to their guns. And then across the street, we found out that the same developer that we knew about two projects has a smaller project identical but smaller. And we

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asked that the side street be included in that while the review was being done just in the last couple of weeks.

We were told no, it would prevent the developer from getting a by-right permit if we did that. And you know what, that is not consistent with what the Planning Commission should be doing, what their mission is. It should be balancing the community against the developer. And when something is CMX, I don't care if it's 1 or 2, the community has already said we'll take some residential above storefronts.

Storefronts are the key to CMX-1 and 2. We're getting the fewest storefronts possible so we can squeeze all these apartments in and get the four-story in a very limited height situation.

So I think this is really out of line with everything I have learned about the Planning Commission over the years. I think they're taking a totally different left turn on the community and saying it's our way, more density or the

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highway. And saying we can appeal this -- do you know how hard it is for a community to appeal a zoning permit that was granted at the discretion of the Planning Commission, because they have the discretion to use the side street or not. And there's no question that the side street should have been used, but it continued a week ago to be permitted the same way on a smaller project, so the "developer," and I'm quoting, "could get a by-right project and not need a variance."

And again, I just ask my colleagues for their support because this is our only way of helping the community. Filing a challenge to a zoning permit to the Zoning Board is very, very difficult and cumbersome, puts everything on the party with no money, the community and then has the City defending it because that's what happens. The City solicitor defends it, not the developer. They don't spend any money. The community has to spend the



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money and the odds are very long as to whether or not they're going to be able to succeed, and they shouldn't have to go through that or run the risk of what is often times a loss.

COUNCILMAN JOHNSON: Councilman O'Neill, are you saying the City solicitor which is paid by our taxpayers will be defending a developer against those very same taxpayers who are appealing the permit?

COUNCILMAN O'NEILL: Yes, that's in essence what happens. Because when you challenge or appeal a permit --

(Background noise.)

COUNCILMAN JOHNSON: Excuse me. Gerald B., can you put your phone, camera, whatever on mute please. Thank you, sir.

COUNCILMAN O'NEILL: When you challenge a zoning permit that was handed over to the developer as-of-right, you are challenging the Planning Commission, in this case it's the Planning Commission that recommends to

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L&I, that the Planning Commission erred, they did not properly interpret the zoning code. It's the City solicitor's job to defend the Zoning Board who relied on L&I and Planning to do the right thing.

COUNCILMAN JOHNSON:

Understood.

COUNCILMAN O'NEILL: Your

description isn't what's in the code.

It's what actually happens.

COUNCILMAN JOHNSON: Okay. All

right. Thank you, Councilman O'Neill.

And as always, I know you do your diligence representing your constituents which you represent.

Any other questions or comments from members of the Committee?

(No response.)

COUNCILMAN JOHNSON: Hearing

none, will the Clerk please call the next bill and next panel.

THE CLERK: Our next bill is

210634 and we have Paula Brumbelow Burns.

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MS. BRUMBELOW BURNS: I'm  
sorry. I was going to say I thought we  
were done and I forgot we had one more,  
so I apologize. I'm Paula Brumbelow  
Burns, Director of Legislation for the  
City Planning Commission. I am here to  
testify on Bill No. 210634, which was  
introduced into City Council on June 24,  
2021 by Councilmember Gauthier. Bill  
No. 210634 amends the Master Plan for  
the University of Pennsylvania bounded  
by areas of land located by Guardian  
Drive, East Service Drive, Civic Center  
Boulevard, 34th Street, 33rd Street,  
Walnut Street, the Schuylkill River, 34th  
Street and University Avenue.

The bill will allow for the  
expansion of the Master Plan at 3200  
Walnut Street, which is previously  
mapped Special Purpose Institutional in  
previous legislation. The expansion  
will include a proposed six-story  
building known as the Vagelos Laboratory  
for Energy Science and Technology known  
as VLEST, the inclusion of the existing

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Consortium building and square footage  
updates of miscellaneous amendments  
recently approved administratively by  
Planning Commission staff.

The proposal includes the  
addition of 43,150 square feet of total  
land area; 122,615 square feet of gross  
floor area and 21,306 square feet of  
occupied area within the expanded  
boundaries of the University  
Pennsylvania Master Plan.

With these changes, the Master  
Plan District remains in compliance with  
development regulations specified in our  
City Code. The City Planning Commission  
considered Bill No. 210634 at its  
meeting of July 15, 2021 and recommended  
approval. I will be happy to answer any  
questions at this time.

COUNCILMAN JOHNSON: Thank you  
very much.

The Chair recognizes  
Councilwoman Jamie Gauthier for remarks  
on her bill.

COUNCILWOMAN GAUTHIER: I don't

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have remarks for this bill. I have  
remarks for the next bill, but thank  
you, Mr. Chair.

COUNCILMAN JOHNSON: You're  
welcome.

Any questions or comments from  
members of the Committee on this bill?

(No response.)

COUNCILMAN JOHNSON: Hearing  
none, will the Clerk please call the  
next bill and the next panel.

THE CLERK: For 210778, we have  
Paula Brumbelow Burns, Aida Smith, Pam  
Andrews and we have a couple more, but I  
will call them as we go.

MS. BRUMBELOW BURNS: Good  
morning, members of the Rules Committee.  
I am Paula Brumbelow Burns, Director of  
Legislation for the Philadelphia  
Planning Commission. I'm here to  
testify on Bill No. 210778, which was  
introduced into City Council on  
September 30, 2021 by Councilmember  
Gauthier.

Bill No. 210778 amends Title 14

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of The Philadelphia Code by adding  
Section 14-532, entitled "The AHP  
Affordable Housing Preservation Overlay  
District," and making other related  
changes to amend the Philadelphia Zoning  
Maps by changing the zoning of land  
within an area bounded by 39th Street,  
Ludlow Street, 40th Street and Market  
Street and to establish a temporary  
demolition moratorium.

The bill has several components  
in an attempt to preserve affordable  
housing at this site. The development's  
current owners have notified the U.S.  
Department of Housing and Urban  
Development that they will not be  
renewing their expiring affordable  
housing contract and they plan on  
selling the site.

They have also notified current  
tenants that they must leave their homes  
by July 2022. The bill proposes to  
change the base zoning from CMX-4  
Commercial Mixed-Use, to RMX-3,  
Residential Mixed-Use. It also places

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use regulations that address  
affordability, create development  
standards to have a maximum FAR of 750%,  
implement a parking ratio of two parking  
spaces per ten dwelling units, and to  
put a one-year demolition moratorium on  
any building at this site.

The Philadelphia City Planning  
Commission considered Bill No. 210778 at  
its meeting of October 21, 2021 and  
recommended the bill for approval. I'll  
be happy to answer any questions at this  
time.

THE CLERK: Next we have Aida  
Smith.

COUNCILWOMAN GAUTHIER:  
Mr. Chair, would I be able to speak on  
the bill now?

COUNCILMAN JOHNSON: (Muted).

THE CLERK: Mr. Chair, you are  
muted.

COUNCILMAN JOHNSON: Yes. Do  
you want to go now, Jamie, or after your  
panelists go?

COUNCILWOMAN GAUTHIER: I would

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like to go now, if possible.

COUNCILMAN JOHNSON: Okay. The  
Chair recognizes Councilwoman Jamie  
Gauthier.

COUNCILWOMAN GAUTHIER: Good  
morning, everyone. Thank you, Mr. Chair  
and all my colleagues on the Rules  
Committee for this opportunity to be  
recognized on Bill 210778.

This legislation aims to  
protect both the 70 families who  
currently reside at the University City  
Townhomes as well as the future of  
affordability in this increasingly  
expensive part of West Philadelphia.  
The townhomes are a deeply affordable  
housing complex in the heart of  
University City, an amenity-rich  
neighborhood with easy access to  
transportation, high quality schools,  
good jobs and world class health care  
institutions.

The owner of this property  
opted out of their affordability  
contract with HUD and they are actively



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seeking to maximize their profits for this mega site. The current residents of the townhomes have been notified that they may be displaced as soon as July 2022. Without immediate intervention, we will lose these very affordable homes forever. And for the second time in 50 years, it will come at the expense of working class Black Philadelphians.

I'm sure that we are all familiar with the history of urban renewal and what it did to Black communities in this City. In the late '60s and early '70s, the City of Philadelphia raised the Black Bottom neighborhood to make way for a science and technology research campus, which today we now know as the University City Science Center.

Thousands of Philadelphians, roughly 80 percent of whom were Black, were displaced as a result not just from their homes, but from their community. The block where the townhomes are located was originally slated to be a

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part of that research campus, but neighbors and the University of Pennsylvania students banded together to fight.

They demanded that sites be set aside for affordable housing so that people displaced from urban renewal had options to return so that they would have access to housing in the neighborhood for generations to come. And eventually, a commitment was made to West Philly residents that this site would be dedicated to low-income housing.

Now, let's fast-forward to today. Forty years after the University City Townhomes first opened, our City and the 3rd District have changed dramatically. Housing prices have tripled in this immediate area since then. In the last two decades alone, the Black population east of 52nd Street has been cut in half. And the end of this demand is nowhere in sight. An estimated \$5 billion has been spent on

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construction in University City in just the last 10 years.

So all of this helps to explain why the University City Townhomes are irreplaceable. Dozens of three-bedroom apartments with rents that are 90 percent cheaper than what you can get on the open market sitting on a piece of land that is valued today at \$75 to \$100 million. Eradicating affordable housing on this site would be a grave injustice, not just for the families who live there now, not just for the thousands of Black Bottom residents who were removed from this land once before, but for the future of this place being somewhere where working-class people can afford to live in an amenity-rich neighborhood, one where jobs and transit and health care and other resources are all easily accessible to them.

This is something that cannot be replicated in today's housing market. The bill being considered today includes a one-year demolition band on the site.

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It will also make residential mandatory and add affordability requirements, which together provide a check against the perverse market forces that play in today's real estate market, that encourage maximizing profit over the creation of inclusive neighborhoods.

Last week we were grateful to receive the support of the City Planning Commission for this bill. We appealed to the Commission that they recognize the importance and the context of this site and they took us up on that request. Now, we come to this body with the same appeal, to not be swayed by the idea that this site should be sacrificed for Philadelphia's seemingly never-ending development boom. People matter. Places matter. Having equity and diversity in our communities matter.

Today let's do something different than what happened half a century ago in West Philly and let's make sure there's justice for working-class residents in our City in

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the months and years to come. Thank you  
so much.

COUNCILMAN JOHNSON: Thank you  
very much, Councilmember.

Will the Clerk please call the  
next panelist.

THE CLERK: We have Aida Smith  
next. Aida Smith, if you are on, please  
unmute yourself and begin your  
testimony.

MS. SMITH: Hi. Aida Smith my  
name is.

COUNCILMAN JOHNSON: Please  
begin your testimony.

MS. SMITH: I've been here for  
about 40 years since it's been built.  
Before the grounds were even finished, I  
was here. Over across the street where  
the Ralston House was, that was a vacant  
lot and everything. We've watched this  
neighborhood continue to be gentrified.  
And I don't understand how is it that  
right now we're just finding out, and  
I'm quite sure some members of City  
Council knew what was going on. I'm

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glad she's taking up this bill. I'm in favor of it.

I don't think that because we're in an area that's newly developed or all of the development that's around it, that people want to be in this neighborhood because it is so close to everything. Everything here is right here in this area and it tends to be a safe area. So I hope you're reconsidering even letting them get away with this. They should not be able to get away with this, and I agree with your bill. Please pass her bill. That's all I have today.

COUNCILMAN JOHNSON: Thank you, Ms. Smith.

Will the Clerk call the next panelist.

THE CLERK: Next we have Pam Andrews.

COUNCILMAN JOHNSON: Pam, state your name for the record and begin.

(No response.)

COUNCILMAN JOHNSON: Pam, are

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you there?

(No response.)

COUNCILMAN JOHNSON: Okay.

We'll come back to Pam.

Will the Clerk call the next  
panelist.

THE CLERK: Next we have Gerald  
Bolling.

COUNCILMAN JOHNSON: How you  
are doing, Gerald?

MR. BOLLING: Good morning,  
Chairman.

COUNCILMAN JOHNSON: Trying to  
get a headset, Gerald. You trying to  
show everybody up?

MR. BOLLING: No, sir. No,  
sir. I just wanted to make sure I could  
hear clearly and everybody could hear me  
clearly. How's everyone doing. Thank  
you, Chairman. Thank you, Rules  
Committee. My name is Gerald Bolling.  
I'm a displaced member of the Black  
Bottom tribe. We are a community that  
has history over hundreds of years, so  
1850 is one of our ports that Dr. Palmer

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had brought up where we were recognized.  
That's way before Penn, Drexel or any  
other entity came into our neighborhood  
to destroy it.

I want to support the  
Councilwoman's bill. And I also want to  
talk about White privilege because this  
is what it's about. Our neighborhood  
has always been a transfer for every  
community in the City and they knew  
that, and they were trying to buy our  
homes and put us out for many years.  
They bulldozed our houses on 38th Street  
to get us out of there to build the  
University Science Center and also  
University City schools. So they got us  
out of there through that tactic. And  
then now they're trying to use these  
tactics now not giving us the apartheid  
agreement that they agreed to in the  
late '70s saying that we weren't  
stabilized as a community, which was far  
from the truth.

We're a stabilized community  
which everyone else around us as far as



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Mantua up the way, 52nd Street. They're not dealing with the Black Bottom immensely. So I'm here to say the Black Bottom is actually tired of these folks thinking that they're going to keep pushing us around and pushing us over on our land. This is our land. I understand that the City and the other big wigs and institutions came and bought this land, but it's also stolen land. So this land was stolen from us, the people of the Black Bottom, and we want this land returned. And this is part of the land that we want returned because we should have ownership in our community.

We shouldn't have to be begging for nobody to give us anything. Like I heard on this whole situation, please don't do this to us, please don't come into our neighborhood and do this to us. No, we need to have our own ownership and this is where people fail to realize what we need to clean up the community. Everybody is talking about all this

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violence going on. Guess what? White privilege is the cause of it, because they're moving people out displacing them in neighborhoods that they're having gang war with. So what do you think is going to happen? What do you think all of this violence is coming from? Nobody knows, right. So I just now clued you in to what it is to stop the violence.

Stop overbuilding. Give people a chance to live. There's been \$5 billion that Councilwoman said went through the University of Penn. Not one contractor was Black. They didn't even want to hire Black people on there and I got testimony to prove that, that they do not want Black people on their job sites, you understand. So this is bigger than anything that we can ever imagine.

We're talking about people trying to sell land that's not theirs. People who ostracized the Black Bottom out of their own neighborhood. We don't

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have an RCO. We don't even have a voice  
in our own community. What is that?  
This is the Black Bottom. It's not  
University City. It's the Black Bottom,  
and that's what it's always going to be.  
And I want City Council to recognize  
that like y'all did before.

Y'all recognized us as a  
historical community. So we need to be  
recognized also all around the board  
with ownership, with loans and grants to  
help us out to build our community and  
build our people. We want to stop the  
violence just like you do. Give us a  
chance. If y'all give us a chance to  
come sit down and talk to us, we can get  
together and we can stop this violence.  
We're not going to stop it the way you  
going. You have to talk to us. You  
have to communicate with us and give us  
a chance.

We're in a neighborhood we  
don't have no ownership in and we're the  
dominant people there. No ownership at  
all. That doesn't sound right. So

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let's -- I pray that we can all get together to change this, for real. I really do. And thank y'all for letting me talk, get this out. I wanted to say some more things but I'm not going to say it, but I hope I can send y'all all what I'm thinking in my heart on my PowerPoint. I can send it all to y'all so y'all can get adjusted to what I mean.

You want to stop this violence. I do too. I seen all y'all out there trying to do it. The way to stop the violence is come through us, Family. We got to be a family. You can't exclude us from the help because we're the experts with the help. We the ones who been to jail. We the ones who been floating around in these streets. Give us a chance to help y'all understand where we coming from so we can stop this. And remember, White privilege is the cause of it all. Thank you.

COUNCILMAN JOHNSON: You're welcome.

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MS. SMITH: May I ask a question? Are we going in order? Is there other people slated to speak because I wanted to make a comment?

COUNCILMAN JOHNSON: There are other people slated to speak. Just give me one second and I will give you an opportunity to make your comment.

Brett, can you call the next panelist.

THE CLERK: Yes. We have Timothy Boyle.

COUNCILMAN JOHNSON: Go ahead.

MR. BOYLE: Good morning, everybody. Timothy Boyle, Founding Principal of Science Leadership Academy Middle School and also a proud principal of Ms. Smith's grandkids. I'm here today in support of Bill 210778, on to provide Chairperson and other Councilmembers some context of the bill.

University City Townhomes represents 70 of the 150-floor private HUD private homes in our cash fund area. When I say cash fund, I mean the

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geographic boundaries of my school and the Powel School as well. The vacancy rate at both of these housing sites is less than 10 percent, so these are homes that folks want to live in that are filled at or near capacity all the time.

As was mentioned earlier, we will be potentially losing the 70 units July 8, 2022. The 84 units at Center Post Village which is located at 55 North 40th Street, that contract is also up in 2024. So the decisions that we make today could also lead us down a path one way or the other in the near future. SLAM has 22 students that got an eviction notice. Powel School has 34 students that got an eviction notice. The 22 students represent 6 percent of my school. It also represents 48 percent of all the students within my school who live in the neighborhood. Powel and SLA, we both have robust populations that come from outside the neighborhood.

We were talking about most of

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the folks who live near our schools who attend our schools live at this site. The 34 students at Powel represent 15 percent of their total population, so a significant driver of folks who walk to school and populate our schools, and these numbers have been borne out of the last six years that I've been the principal of SLAM.

For folks who know the history, it's been nice to hear folks' testimony previously, this site that we're talking about is four blocks away from where University City High School, the elementary and the Walnut Center are located. It's a 14-acre site that now hosts 6.5 million square feet of retail, residential, clinical office and laboratory space. There are very few places in the City where so many affordable homes are next to so much economic opportunity, cultural opportunity and educational opportunity.

My hope of this bill is in the near term there could be justice for the

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families that are located, but also that we can preserve affordable housing rights next to some of the greatest opportunities that this City has to offer. That is all of my testimony. If there are any comments or questions or anything I didn't add, I'd like to.

COUNCILMAN JOHNSON: Thank you for your testimony.

Ms. Smith, do you want to make a comment or ask a question?

MS. SMITH: I want to make a comment because -- well, yeah, a comment. And it was riding on the back of Mr. Gerald and Mr. Boyle. As I said, I've been here for a long time. And you notice when people start looking in and you see outsiders and how they want to be here, and it's always where Black people get pushed out.

And the reason why we get pushed out is because they raise the taxes. The real estate tax is so high that you can't afford to stay in your own community anymore. So what you need



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to do is to make sure that if it can't be saved, at least make sure it's a mixed income neighborhood. It's going to be people that work in the area but can't afford to live in the area. That doesn't make sense to me.

You know, it's things that's being done constantly to push Black people away. And to me it seems like it's going to be to the outskirts of the City of Philadelphia, and that's Upper Darby, Yeadon and all of that, and Black people won't be able to afford to come back into the City. And I know this is going on around this City in places where -- I grew up in North Philly, and you hearing stuff about what's going on now, what they're trying to take -- I'm sorry. Can you see me?

COUNCILMAN JOHNSON: Yes, I see you.

MS. SMITH: That they're trying to do now in North Philly and around the City, and I don't think it's fair. So her bill, it really needs to take a

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serious look at and to stop a lot of  
what's happening around this City. And  
if it wasn't for developers, it wouldn't  
be homeless people, (inaudible)  
speculation in real estate. If you took  
that out of the equation -- I can't get  
to go bigger again. Hello? Hello?

COUNCILMAN JOHNSON: Yeah, we  
hear you.

MS. SMITH: I'm sorry. I don't  
see where I'm at, so I don't know if you  
can see me.

COUNCILMAN JOHNSON: I can see  
you.

MS. SMITH: But real estate  
speculation, that's what's literally  
driving a bunch of stuff around this  
country. The richest country in the  
world and you have homeless people, and  
it's because of real estate speculation.  
So the thing that needs to be done is to  
make sure that Philly and its residents,  
especially Black residents, Black and  
Brown, need to be a priority, especially  
since we do most of the work in this

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daggone city and can't find decent housing, and this is one thing that I like about my community is that my grandkids are safe. Hello?

COUNCILMAN JOHNSON: Yes, we hear you.

MS. SMITH: I'm done now. Thank you for letting me speak. I'm trying to get back to where --

COUNCILMAN JOHNSON: You're welcome, Ms. Smith. Thank you for your testimony.

Will the Clerk please call the next panelist to testify.

THE CLERK: Pam Andrews.

COUNCILMAN JOHNSON: Pam, just state your name for the record and please begin.

MS. ANDREWS: Good morning. My name is Pam Andrews. I am the Chair of West --

COUNCILMAN JOHNSON: One second, Pam. You're very, very faint. We can't hear you.

MS. ANDREWS: Okay. Hold on

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for a second. How about now?

COUNCILMAN JOHNSON: Just a little bit. Can you turn your volume up a little bit more.

MS. ANDREWS: I'm having some technical issues today.

COUNCILMAN JOHNSON:  
Ms. Andrews, are you still there?

MS. ANDREWS: Hello. Can you hear me now?

COUNCILMAN JOHNSON: You're faint. But can other members of the Committee hear?

MS. ANDREWS: All right.  
I'm --

COUNCILMAN JOHNSON: Go ahead,  
Pam.

MS. ANDREWS: Okay. Great.  
Good morning. My name is Pam Andrews.  
I am the Chair of West Powelton/Saunders  
Park RCO, and I am here to testify in  
support of the Mixed Income Neighborhood  
Overlay introduced by Councilwoman  
Gauthier this morning, which the West  
Powelton community feels it's long

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overdue.

I have been a resident of the area for over 30 years now and I have seen many families that back in '95 when my husband and I moved in this area people could afford to rent a house, a one-bedroom apartment for \$500 a month. Now, as the Chair of West Powelton/Saunders Park, the Zoning Committee, when developers come in asking variances, the average cost of an apartment that they want to build monthly rental is \$1400 to \$1500 a month and townhouses are built and sold for \$300,000.

The West Powelton Community feels very strongly in terms of supporting this bill. We feel it is overdue and it is probably one of the first big steps that needs to be done to protect affordable housing in this area. Like I said, when my husband and I moved here, there were families. Now, there are very few.

On my block I would say right

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now there's probable only three long-term residents who have been able to stay here. Either the price of real estate has gone up, taxes have gone up and we are just overrun with student housing. So I'm here -- thank you for taking the opportunity to hear me this morning and we are very excited to support this bill to assure that affordable housing is maintained in this area. Thank you.

COUNCILMAN JOHNSON: Thank you very much.

I'm going to ask Councilwoman Jamie Gauthier if there are any additional remarks before I start acknowledging other members of the Committee?

COUNCILWOMAN GAUTHIER: No.  
Thank you, Mr. Chair.

COUNCILMAN JOHNSON: All right.  
You're welcome.

Chair recognizes Councilman David Oh.

COUNCILMAN OH: Thank you very

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much, Mr. Chair. I just wanted to  
respond to is it Ms. Ida Smith? I think  
so. One of the --

MS. SMITH: Aida.

COUNCILMAN OH: Aida, I'm  
sorry. I just wanted to completely  
agree with what you're saying in terms  
of the taxes. And one of the things  
that I just want people to understand is  
you have to watch your assessment, the  
assessed value.

So for example, we have cases  
in Philadelphia where it's the OPA,  
Office of Property Assessment, if you  
pretty much understand that your house  
is worth about \$100,000, it's not good  
news when OPA comes out and says your  
house is worth \$350,000 because it  
isn't, but you're going to have to pay  
the taxes. And that should be one of  
the first things because it happens in  
your neighborhood, it doesn't happen all  
over the City.

It happens in these gentrifying  
neighborhoods. And a lot of it is

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illegal. It is generated by a 10-year tax abatement that occurred somewhere in the neighborhood. And by law they cannot increase your value, but they do. And Council did an audit of the assessment methodology. That means the way they do these assessments, and it was found to be below industry standard. That means it is below an acceptable standard of assessment.

So please be aware that -- unfortunately, some people they get this assessment and they don't understand you're going to pay the taxes and it's the first sign that there is something wrong. I did a bill and I've reintroduced a bill to freeze these taxes based on these illegal -- in my opinion and I say so, if it is below industry standard, it's an illegal assessment and it's an illegal tax and people should not pay these taxes. So please be alert, and thank you very much for your testimony.

Thank you, Chairman.



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COUNCILMAN JOHNSON: You're  
welcome. Thank you, Councilman Oh.

Gerald, I want to acknowledge  
you for a brief remark.

MR. BOLLING: Yes. I just  
wanted to ask Councilman Oh, are you in  
support of Councilwoman Gauthier's bill?

COUNCILMAN OH: I don't know  
the -- I'm supporting it. I'm not  
voting against it. I don't know at the  
end of the day the legality of it.  
That's something for the Administration,  
the Planning Commission. So I'm voting  
for the bill. That's your bottom-line  
question.

However, I do think that  
elsewhere in the City and in other parts  
of Philadelphia to me the most direct  
thing that's happening is people are  
being targeted for improper illegal  
overly high assessment that is leading  
to overly high taxes that lead to  
sheriff's sales and other things where  
they're not even getting the money that  
it's assessed on. So, yeah, I do

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support the bill.

But I will say that ultimately I think we have to straighten out these assessments and the corresponding taxes that are driving people out of this city depending in what neighborhood they live in under the threat of sheriff's sale.

MR. BOLLING: My other question was do you think that we need to make a committee for affordable housing and have the community members in the housing where there's gentrification at be on that and have power, not just being on there as a sitting stone, but actually have power to stop the developers that's coming in and doing things of that nature? I think that will be a better way to solve some of these things that's going on, especially the violence that's happening in the communities. Because actually, when you actually take somebody and displace them, you're putting them in another place.

They took the whole Passyunk

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out and put it somewhere else. And then they took another place and put it somewhere else. They took Bloomberg and put it somewhere else. And now everybody's running around talking about well, why all this violence happening, why people shooting 900 bullets. This is the reason why because they're not going to lay down to everybody else.

When they're going into a neighborhood where they not liked or they're not wanted, and guess what, the people there are fighting back and they got to fight back too. So my question is should we have a committee that's city-wide that has all of the committees and concern with all these developers and it's a board that these developers have to come to in order for them to be able to develop in the ways that they want to develop, also keeping affordable housing alive because we need that, you know what I mean.

We gave the developers a 10-year abatement, so why don't we go

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ahead and give the people that's on  
affordable housing the 10-year abatement  
and put them in some housing, you know  
what I mean. There's mix as you say, so  
let's put them in that new building that  
they building on 38th and Powelton  
that's going up now, the high-rise that  
Drexel just built for pennies on a  
dollar. That's another place in the  
Black Bottom. So let's put people in  
there too because they have to share,  
right. Let's share.

COUNCILMAN OH: Yeah. So I'll  
take your statement as a suggestion and  
recommendation. What I don't want to do  
is start having a private conversation  
with you because we're in the middle of  
a hearing. I'm happy to talk with you  
and I've done things publicly as well.  
You can contact me any time, come visit.  
I'm right in 319. Stop by today. I'm  
here. But let me respect the Chair and  
this hearing. Thank you very much.  
Thank you for your comments and  
suggestions.

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Thank you, Chairman.

COUNCILMAN JOHNSON: Thank you  
very much.

Any other questions or comments  
from members of the Committee?

(No response.)

COUNCILMAN JOHNSON: Hearing  
none, we will take a brief pause so that  
our technical crew can set up for those  
who registered for public comment.

(Brief recess.)

COUNCILMAN JOHNSON: Thank you  
very much. We will now hear the  
testimony of those who have signed up  
for public comment. The Clerk will call  
your name and once called, please state  
your name for the record and proceed  
with your testimony.

Will the Clerk please call the  
first witness.

THE CLERK: Commenting on Bill  
210778, we have Andre Del Valle.

MR. DEL VALLE: Good afternoon,  
Chairperson --

COUNCILMAN JOHNSON: Please

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state your name for the record. We all know you, but please state your name for the record and begin. How are you doing, Andre?

MR. DEL VALLE: I'm doing good, Councilmember. Appreciate it. Good afternoon, Chairperson Johnson and members on the Committee on Rules. My name is Andre Del Valle. I'm the Director of Government Affairs for the Pennsylvania Apartment Association. I'd like to thank you for the opportunity to testify today on Bill No. 210778 introduced by Councilmember Gauthier.

The Pennsylvania Apartment Association is a statewide association representing property managers and landlords across Pennsylvania. Here in Philadelphia we represent 98 property management companies and over 156,000 units. Now, the Pennsylvania Apartment Association truly believes in the spirit of cross-collaboration, especially when it comes to legislation impacting the housing industry.

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Locally, we have worked closely with PHDC, assisted in the emergency rental assistance fund roll-outs, hosted briefings for both landlords and tenants and navigated the program who also had troubleshooting challenges with the program. We have cross-collaborated with the Office of Emergency Management and relocation efforts for flood victims following Hurricane Ida, and have worked closely with Councilmember Brooks and Community Legal Services on the newly implemented renters access app. Currently, we're working with Office of Immigrant Affairs, Department of Human Resources and Department on Homeland Security on resettling efforts for our Afghan brothers and sisters who are coming to seek refuge here in Philadelphia.

I highlight this cross-collaboration because legislation like the one before us today desperately needs to have an open dialogue among all stakeholders and its elected officials.

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I can assure you that no landlord or property owner wants to add to Philadelphia's continuously rising homelessness rate or displacement rate. And on the contrary, landlords across the City have been working to avoid housing instability as we all continue to navigate the challenges brought on by the COVID-19 pandemic.

I know BIA will be testifying today and I don't want to speak for them or their membership, but I know firsthand how they practically work with District members on the front end of the legislative process on variances, rezoning, et cetera, for their projects. What raises concerns about this particular piece of legislation is that it would rezone and would establish a demolition ban for one parcel known as the University City Townhomes.

The total number of units we're discussing today at University City Townhomes is 70. That's less than the number of units that were scrapped in a



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proposal a few weeks ago and just a few blocks away where residents demanded parking over units, reducing the project from 174 affordable units down to 100.

Unfortunately, this will not be the first or last landlord that will sell their property here. This is actually the first of many within our membership here in the City of Philadelphia due to the rising costs of maintaining buildings, rising costs associated with every new regulation passes as well as dealing with the continued ramifications from the COVID-19 pandemic.

The question before this Committee today is not whether this legislation should pass or not, but rather will this Committee set the precedent and support future rezoning of a single parcel of land, which is privately owned without the support of property owners. The Pennsylvania Apartment Association has and will continue to stress the need for private-

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public partnerships and cross-  
collaborating to address the challenges  
our City faces.

We welcome an opportunity to  
bring all stakeholders together,  
residents as well as elected officials  
to discuss viable options for this  
parcel, which addresses residents and  
community needs while not punishing an  
owner for wanting to sell their personal  
property. Thank you for the opportunity  
to testify today. I'm happy to answer  
any questions you may have.

COUNCILMAN JOHNSON: Will the  
Clerk please call the next panelists.

THE CLERK: Commenting for Bill  
210778, we have Mo Rushdy.

MR. RUSHDY: Good afternoon,  
everyone. My name is Mo Rushdy and I  
serve as Treasurer of the Building  
Industry Association of Philadelphia as  
well as Co-Chair of Affordable Housing  
and Diversity, Equity and Inclusion  
Committees and member of the Real Estate  
Alliance.

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I want to thank Chairman Johnson and the rest of the Committee for allowing me to provide testimony today on Bill No. 210778. We recognize that there's an urgent need in Philadelphia for affordable housing options for a great many people and have been seeking to collaboratively craft policies with Council to help all residents in this City share in its prosperity.

Bill No. 210778 moves the City in the wrong direction. However, the BIA has historically respected District Councilmembers' efforts to rezone parts of their Districts, but this bill's reach is unlike anything we have seen before. It's a rezoning to target a single privately-owned parcel without the owner's support and proposes a demolition moratorium on this site as well.

The legislation will create a dangerous precedent and have a chilling effect on the real estate development

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community. Although we sometimes don't want to acknowledge it, City Hall needs private developers to build what government cannot, producing the housing that current and new residents want and generate the jobs and tax revenue that are so badly needed. To build housing in a strong economy, developers need just one thing from City Hall, and that is certainty. We can figure out what type of project to build and where and when to build it as long as we can control a sufficient number of variables to make projections work.

But Bill No. 210778 would make it possible for Council to rezone any parcel whenever it wants and halt demolition before a new project is announced. Suddenly Philadelphia has a whole lot more uncertainty than anywhere else in the country because this would not happen anywhere else. Why then build here?

Even more frustrating is that this dramatic legislation is apparently

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proposed in the name of affordable housing, but the City continues to squander its best opportunities to generate significant quantities of affordable housing for its residents. In the 3rd Councilmanic District, there are 647 publicly-owned parcels that could be used to house those in need. I repeat 647 properties.

In the BIA's Affordable Blueprint, we argue that the City's housing crisis can be resolved if City Hall simply increases its capacity to dispose public land quickly to qualified applicants. You have the land. The development community knows how to build what you want, and we supported the Neighborhood Preservation Initiative to reach lower AMIs and to keep affordability that Councilwoman Gauthier just spoke about.

What are we waiting for? Didn't we know about this project over a year ago. So to Ms. Aida Smith and Mr. Gerald Bolling, please listen to me,

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I hear you and I feel you. We can build for sale affordable single-family homes for you at very low pricing made possible by City land with the Neighborhood Preservation Initiative that we supported.

I am going on record, talk to Councilman Gauthier and see all of the public land that's available and talk to her about the 51 percent of these homes being affordable making mixed-income neighborhoods possible as Ms. Smith mentioned. Further, Council decided to decrease the amount of money that developers will pay into the Housing Trust Fund by lowering the bonuses available.

And now, Bill 210667 seeks to eliminate the bonuses all together in one Councilmanic District. These bonuses were a key component of overcoming Philadelphia's high construction costs in neighborhoods that would not otherwise see investment.

Eliminating these bonuses in 10

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percent of the City and potentially imposing inclusionary zoning mandates is sending a clear signal to the real estate to look elsewhere. No one has to build in Philadelphia and soon maybe no one will. The BIA is sincere in its desire to be part of the solution. We believe in solutions that work for all.

Unfortunately, Bill No. 210778 is a dramatic example of City Hall's actions that punish the development community for longstanding shortfalls in housing policy that we have demonstrated support for, for affordable housing, providing effective alternatives and are willing partners. Please let us take a step back and work together. Please. Thank you for your consideration.

COUNCILMAN JOHNSON: (Muted).

THE CLERK: Mr. Chair, you are muted.

COUNCILMAN JOHNSON: Thank you. Will the Clerk please call the next panelist.

THE CLERK: For Bill No.

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210778, we have Joe Ritchie.

MR. RITCHIE: Good afternoon.

My name is Joe Ritchie and I'm here today on behalf of the Greater Philadelphia Chapter of NAIOP where I serve as the President. NAIOP is a 501(c)(6) organization that represents the commercial real estate development community in Philadelphia and is also a member of the Philadelphia Real Estate Alliance.

Thank you to Chairman Johnson and the rest of the Committee for permitting us to provide testimony on Bill No. 210778. A membership of NAIOP understands that affordable housing is an important issue in the City that collectively the public and business community need to address with comprehensive and holistic solutions.

However if approved, Bill No. 210778 would set a dangerous precedent with the unintended consequence. The legislation effectively spot zones the block, the 3900 block of Market Street



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without the owner's consent, prohibiting any alterations to the site and rendering it unsalable.

The University City Townhomes were developed under an agreement that calls for the development of the affordable housing residences and obligating the owner to maintain the Section 8 housing and affordability for four years. The owner agreed to and met this obligation. And now at the end of the term faces legislation which changes the nature of the agreement. This precedent would put up for consideration whether private landowners have the right to manage and sell their property within the confines of the rule of law.

We urge the Committee to consider the fine balance between economic growth and affordable housing and to think deeply about the far-reaching implications of spot zoning without approval of the land owner. As an industry, the real estate community relies on the particularability of land

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use and cannot support targeted legislation that undermines the confidence in the system.

This use of spot zoning as a tool to preserve affordable housing is only necessary because Philadelphia currently lacks an efficient and functioning mechanism to holistically address affordable housing development. The City is being forced to choose between supporting affordable housing and supporting a once-in-a-generation growth industry that could be one of the cornerstones in Philadelphia's future economy. We should be able to choose both.

We support fully BIA's proposed land to use Philadelphia Land Bank for affordable housing and I will refer to the previous speakers' comments on the number of parcels available in this District alone through that mechanism. Instead of introducing legislation that pits the interest of one group against the other, we would all be better served

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with new legislation to solve the larger problem.

Zoning is not a tool for micro-issue resolution of which affordable housing is just one example. Zoning is meant to guide the path of development and growth in a thoughtful and balanced way. It is meant to have certainty and should only be altered or modified with a thorough, deliberate and robust process involving all properties, including the current owner of the land.

The questions that we in the City are faced with today deserve legislation that materially attempts to construct working mechanisms to holistically address the issues of affordable housing. NAIOP sincerely wants to be part of the solution. We hope to work together. Thank you very much for your consideration.

COUNCILMAN JOHNSON: Thank you for your testimony.

Will the Clerk please call the next panelist.

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THE CLERK: Isa Shahid.

MR. SHAHID: Good afternoon,  
panel. My name is Isa Shahid  
representing the Laborers' District  
Council. Thank you for the opportunity  
to testify today. On behalf of more  
than 6,000 members of the Laborers'  
District Council I'm here in support of  
the plans to redevelop 3900 Market  
Street, a project that will create  
thousands of new good-paying jobs for  
our people at a time when they are most  
needed.

In support of this project, we  
are asking Councilmembers to postpone  
consideration of Bill No. 210778,  
legislation that could have a chilling  
effect on the new investment and  
opportunity in the City of Philadelphia.  
Such a move will be a devastating blow  
to our members and their families. This  
legislation purports to address concerns  
over affordable housing, something that  
is a growing consideration in cities and  
communities across the nation. As a

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union that represents and is committed to the interest of working-class people, it is a concern we share.

The support for redevelopment of the University City Townhomes site does not have to come at a cost of eliminating affordable housing and leaving these residents without safe and affordable options. Here's why:

Redevelopment of 3900 Market Street has the potential to be a \$1 billion project because of the size and location. This site is likely to become a new life science research center, a project that could total \$1 billion in development.

A project of that size will create as many as 6,500 construction jobs over the next several years as well as 3,800 permanent jobs. These are jobs that pay families sustainable wages, and the redevelopment is also expected to generate more than 25 million a year in new state and City tax revenue. It is a project that could start quickly once the land is sold. The site is already

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zoned CMX-4, which means that the property is already zoned for redevelopment. If we as a City are serious about lifting people out of poverty with good jobs, this is an opportunity that we must not squander.

We share concerns about ensuring residents are treated fairly, and we applaud Councilmember Gauthier for her commitment to provide affordable housing to her community. As always, she is thoughtful and committed to doing the right thing. But it is clear that the owners of 3900 Market Street are willing to work with her in this effort.

They have said publicly they have no interest in merely selling the ground and leaving the residents stranded. A commitment that we will join Councilmember Gauthier in ensuring they live up to. They are already working to make sure that no one is losing their Section 8 benefit for the future. They are meeting residents individually to help them find and

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secure affordable housing. They are working with a not-for-profit developer to transfer the Section 8 rental authorities from University City Townhomes to other locations in West Philly, which will provide long-term rental assistance and an additional 113 families. And they have pledged to cover all moving and relocation costs for these residents.

In response, many residents have expressed interest in relocating immediately even though University City Townhomes will not close until next July. The owners are willing to work with Councilmember Gauthier to create new affordable housing options near the site ensuring the residents will be treated fairly and with dignity, and that's the way it should be.

So it's not one or the other. Redevelopment of this site won't leave the residents stranded. And for that, I applaud Councilmember Gauthier for leading the fight to make sure the

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redevelopment doesn't threaten  
affordable housing in West Philadelphia.  
But Philadelphia needs the opportunities  
presented by this project.

We have the potential to create  
more than 10,000 jobs once the sale of  
this property is completed. That means  
putting more people to work, which is  
critically important in the fight  
against poverty in our City. We can do  
both and we should. Let's work together  
to make it happen. I urge Council to  
support the redevelopment of this site.  
And with all differences and respect to  
our friend Councilmember Gauthier,  
reject Bill No. 210778. Thank you for  
the opportunity to testify today. Have  
a good one.

COUNCILMAN JOHNSON: Thank you.  
Will the Clerk please call the next  
panelist.

THE CLERK: For 210778, we have  
Brett Altman.

MR. ALTMAN: Good morning,  
Chairperson Johnson, members of the



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Committee and staff. Thank you for the opportunity to testify this morning regarding City Council Bill No. 210778. This legislation is before you today for consideration. In addition to these remarks, I am submitting supplemental written testimony for the record.

My name is Brett Altman. I am a Principal of IBID Limited Partnership, the owner of the property of 3900 Market University City Townhomes. This proposed bill, if enacted, will specifically impact the property. I am here today to make a simple and straight forward request of this Committee. Please give us more time to work to select a buyer with a development plan that has a low-income housing component.

I along with my partners have received a number of offers for this property within the last 30 days. These are not final offers. We are committed to working with these interested parties, Councilmember Gauthier and the Administration to develop a plan for the

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future of this property that will include affordable housing at the current site.

I believe with all these parties working together we can develop additional affordable housing in West Philadelphia that will benefit more people than currently served on the site, but we simply need more time to work with the parties that are interested in purchasing and developing the site. I have been in communication with Councilmember Gauthier since December of 2019 regarding the future of our property, but we only formally solicited offers in August. And as a result, those offers were only submitted recently.

We believe that we can develop a plan that will allow for affordable housing onsite. If you vote this bill out of Committee today, it will automatically and drastically devalue the land. My fear is that such an action will cause these potential buyers

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to not pursue the purchase any further.  
That will cost all interested parties  
valuable time. As I stated to  
Councilmember Gauthier last week in a  
meeting, we are committed to working  
toward a positive resolution that will  
work for everyone. Thank you for your  
time.

THE CLERK: Next we have Barry  
Grossbach.

MR. GROSSBACH: Yes. Thank you  
very much for the opportunity to speak  
with the Committee. I represent the  
Spruce Hill Community Association and  
I'm not authorized to speak on the bill  
before you, but rather on the history of  
the site which we were intimately  
involved in.

During the Rizzo  
Administration, as Housing Director John  
Gallery approached Spruce Hill with the  
proposition of Section 8 housing  
financed by HUD at one of two possible  
sites. They suggested the former PGH  
site where the hospital came down on

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Civic Center Boulevard or 40th and  
Market as a possibility.

We considered the Civic Center  
a non-go. We felt that it would be  
warehousing people with no amenities, no  
stores or anything else and they would  
just be isolated off on an island. We  
looked at 40th and Market. We felt that  
that was a site to consider public  
housing and we decided that we would  
conduct community meetings to get a  
sense of how people felt about the  
proposed project.

Needless to say whenever you  
talked about subsidized housing, there  
was pushback within the neighborhood but  
there was also a lot of support. We had  
some interesting meetings with over 100  
residents attending. And ultimately,  
Spruce Hill came down in favor of the  
development of the site.

One of the key factors in our  
decision was the fact that Friday  
Architects headed by Don and Arlene  
Matzkin who were known architects of the

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Powelton Village were the proposed developers of the site, so we felt that whatever was put up there would be of sufficient quality that the residents would benefit and the neighborhood would as well. So it was an interesting experiment for us.

It was a neighborhood that came together in support of subsidized housing at that particular site, and I just felt that the Committee should have some history in terms of how all of this came about. It's been a project that has been sustained for 40 years. We didn't know how it would turn out, but it has been a beneficial experiment and a successful housing development as far as we're concerned. And I thank the Committee for the opportunity just to give a bit of a history lesson as a former history professor at the Community College of Philadelphia. Thank you very much for your time.

COUNCILMAN JOHNSON: Thank you.  
Brett, are there any other panelists on

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this particular bill?

THE CLERK: For 210778, there  
are no other speakers for public  
comment.

COUNCILMAN JOHNSON: The Chair  
recognizes Councilman Allan Domb.

COUNCILMAN DOMB: Thank you,  
Mr. Chair.

I've been listening to the  
testimony and while I'm not on the  
Committee, I just wanted to explore the  
idea that Mo Rushdy brought up because I  
read it in the op-ed in the Inquirer  
this week. I don't think he's still on  
the call or not, but I did have some  
questions for him if he is on the call.  
But if he's not, we can do it offline.

I think this idea on the  
affordable housing is something we  
should really explore. I think it's  
creative and I think it could help solve  
the situation. And I just want to  
mention I think there's 69 or 70 people  
involved, to figure out a way to get  
them affordable housing that they can

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actually own and build wealth would be a great solution to this, and also to get the jobs. We want to come out of this with a win-win for both. So that's my comments for today.

Thank you, Mr. --

MR. RUSHDY: Councilman, I'm available.

COUNCILMAN DOMB: Oh. Mo, I have a question for you. Can you just explain simply if it's an option, the 69 or 70 people that live at 39th and Market to engage in your idea about affordable housing and they could actually wind up owning a home versus renting?

MR. RUSHDY: Absolutely Councilman. Again, if we're talking about 70 homes, if we're talking about the 190606 bill that has passed unanimously in January of 2020, then we're talking about close to 139 lots of which 51 percent would represent that 70 homes of where we can build for-sale affordable housing on public land.

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And without using any NPI money, we would have cost of housing somewhere between \$850 to \$1,000 per month. But if NPI money is used to buy down the AMI, then we can provide housing as low as 50 percent and 40 percent and 60 percent AMI which is basically these affordable housing for 70 homes with close to about \$4.5 million of NPI money.

And that would get you 70 homes with backyards, single family homes, new construction 9-foot ceilings, 1250 square feet, three-bedroom, two-bathroom homes. We have done this model before for housing developments under the leadership of Council President Clarke on our fees that were in 2016 and 2018, and we continue as the BIA in our blueprint to have models that work. They have been proven. And using NPI, many or all of the 70 residents could have been housed easily on public land on single family homes, new construction homes.



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COUNCILMAN DOMB: So just to clarify, what you're saying is the 70 or so people that live at 39th and Market could wind up owning a home in a similar payment versus renting one?

MR. RUSHDY: Absolutely, yes.

COUNCILMAN DOMB: Okay. You know, I remember from my days in the business the old expression when you rent, it's a house, but when you own, it's a home. So that's a great idea. Hope we can take advantage of it.

Thank you, Mr. Chair.

COUNCILMAN JOHNSON: Thank you very much.

Any other questions or comments for this particular panel?

(No response.)

COUNCILMAN JOHNSON: Next I'm going to ask the Clerk to please call the next panel.

THE CLERK: Commenting on Bill 210667 and 210668 we first have Sherry Brown.

MS. BROWN: Good morning,

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everyone. My name is Sherry Brown and I'm a long-time resident of Strawberry Mansion. I am in support of Bill Nos. 210667 and 210668 to exempt City Council President Clarke, 5th District from the Mixed-Income Housing Zoning Bonus and the expansion of the Strawberry Mansion Neighborhood Conservation Overlay.

I remember one developer whose attorney repeatedly reminded us during a community meeting that they met the required criteria by law to receive two bonuses wherein they would get an additional 34 units of which only 10 of the total of 94 units were designated affordable. They may be well-versed with the law, but where is their moral compass, when they have two rental buildings across the street from each other at 29th and Diamond Street and they plan on building an additional 94 rental units on 29th Street, 30-plus rental units on Diamond Street while demolishing what was once Most Precious Blood Roman Catholic Church, Rectory and

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Parochial School which opened in 1908  
that sits next to that, replacing that  
with a beer garden.

We are talking about possibly  
adding a total of 400-plus renters in a  
one-block area which greatly increases  
the density and limited parking that  
currently exists. A group of community  
organizations and stakeholders of  
Strawberry Mansion formed a coalition to  
create the Strawberry Mansion  
Neighborhood Conservation Overlay which  
enforces a series of neighborhood-  
specific building regulations on new  
construction to retain the historic  
character of the neighborhood which some  
of these houses were built more than 100  
years ago.

Currently we have over 200 PHA  
rental units in Strawberry Mansion. We  
are not against development, but we  
demand respect from these developers for  
what we need, and that is for affordable  
homeownership to build and sustain  
Strawberry Mansion. I urge Council

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President Clarke to connect us with an organization that specializes in web-based technology that uses video and surveys to teach and engage the residents of Strawberry Mansion about our neighborhood's land use issues in order to plan for equality and preservation.

Knowledge is power and we're willing to work with you all, but we will not continue to be disrespected by these developers coming in and taking over and destroying our community. Knowledge is power as I said, and by-right is not right and bonuses must go. Thank you and have a blessed day.

COUNCILMAN JOHNSON: Thank you. Will the Clerk please call the next person for public comment.

THE CLERK: For Bill 210667 and 210668, we have Melvin (inaudible).

(No response.)

COUNCILMAN JOHNSON: Melvin, are you there?

COUNCIL TECH SUPPORT: Hi,

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Councilman. Melvin just hung up really quick, so we're going to try to get him called back on the line.

COUNCILMAN JOHNSON: Will the Clerk call the next person for public comment, and then we'll get Melvin after.

THE CLERK: Next for Bill Nos. 210667 and 210668, we have Bonita Cummings.

MS. CUMMINGS: Good day, Chairman Johnson and the Rules Committee. Can you hear me?

COUNCILMAN JOHNSON: Yes, we can hear you.

MS. CUMMINGS: Great.  
Philadelphia is not New York City.  
Philadelphia is not a city of mostly high-rise buildings and neighborhoods. The movement by developers assisted by bonus legislation to make Philadelphia a city of high-rise apartment buildings has unleashed the worst conduct in developers, and today Philadelphia neighborhoods are experiencing very

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aggressive tactics and attacks from  
those developers.

They are harassing elders,  
inducing fear in long-time residents who  
have managed clean and (inaudible) at  
their expense many of the lots, many  
residents and neighborhoods who boarded  
up open vacant buildings and painted  
them. In the name of development,  
developers have decimated the rare and  
unique mural of Martin Luther King at  
Ridge and Diamond and blocked or trapped  
leaving only his arm as well as trapping  
the mural arts image of John Cultrane  
behind the new development at 2848 West  
Diamond Street, which by the way is for  
sale for \$1 million-plus.

Bonuses continue to perpetuate  
one-sided wealth. Developers pay a  
price and become millionaires,  
billionaires and even trillionaires  
according to how many times they can  
flip your district. The idea of  
affordable rental housing created by  
bonuses that only create in a

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development project of, for example, 95 units at 10 percent bonus, that is only 9 or 10 moderate units. That can be a very slow process to the much-stated housing needs and a lot of harassment to communities for so little.

Bill Nos. 210667 and 210668 are necessary at this time to further expand neighborhood boundaries and preserve and protect the inclusion, health, welfare and safety of sensitive and vulnerable communities. These bills help restore some balance and give time for amended legislation to correct the harm and neighborhoods to comprehensively plan.

In perspective, African-Americans have not been sitting around twiddling their thumbs as the unique designs in housing and their communities Strawberry Mansion and North Central met with decay. Residents of those neighborhoods ask questions of preservation, inquired about how to get access to and repair for the King properties, et cetera. We thought we

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had a plan called Blight Elimination with engaged neighborhood ambassadors. However, the breakdown of that neighborhood discussion and planning was when the name was changed from Blight Elimination to Neighborhood Transportation Initiative, NTI. Put NTI in the single-handed change of 2012 of The Philadelphia Zoning Code and we now have a very destructive weapon.

Constituents do not always want to be on the defense from developers who act as conduits representing so-called wealthy or powerful investors. We would like to get a win-win, but there has to be more transparency. Communities need more inclusion in the legislative process, meaning times hearings are held, where they are held, et cetera.

I would like to get a better understanding of what area we're talking about, south of Spring Garden amendment to Bill No. 210667. We look forward to your support of Bill Nos. 210667 and 210668. And I do thank you for allowing



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me to have a voice today.

COUNCILMAN JOHNSON: Thank you  
very much.

Will the Clerk please call the  
next individual for public comment.

THE CLERK: For Bill No.  
210638, we have Sue Patrone.

MS. PATRONE: Hello. Thank  
you, Rules Committee Chair, Co-Chair and  
Councilmembers. Can you hear me?

COUNCILMAN JOHNSON: Yes, we  
can hear you.

MS. PATRONE: Thank you. Thank  
you for this opportunity to testify. My  
name is Susan Patrone and I am a Past  
President of Passyunk Square Civic  
Association and Columbus Square Advisory  
Council. I'm testifying today to urge  
you to put a pause button on Bill 210638  
on Alterra's processed 155 apartments  
and retail on our municipal complex  
land.

While density is driving this  
proposal, this proposed plan, the heart  
of my testimony is safety. According to

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Alterra's own traffic study, they claim the entire complex will generate 856 "new daily trips," that translates into cars, distributed among Reed, Morton and 12th Streets. Absent are any calculations related to delivery. Rideshare, Uber, Lyft, food delivery services, Gopuff, InstaCart, Caviar, Postmates, Grubhub, not counting UPS, FedEx and Amazon Prime trucks. Our rough calculations add 90 more vehicle trucks with delivery cars to this development which will impact on 12th Street.

Now, this proposed 12th Street where many of these cars and trucks will go will have ingress and egress on the 12th Street sidewalk. On 10/14 on that block -- by the way, our Councilperson was gracious enough to come and visit the site today and talk and our Civic President as well. On 10/14/21 at the intersection of 12th and Morton from 8:25 a.m. to 9:00 a.m., I did a head count of 480 pedestrians, meaning

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children and families, using the sidewalks where all of the above are proposed.

Is it safer to plan for more cars and trucks on sidewalks? Would any of us here want approximately 1,000 more cars and trucks in our neighborhood? Would any of us want to put more vehicles across the street from a multi-generational park playground? Is it feasible with the scale of this processed development, is it feasible, to align with Vision Zero in keeping our children safe? How much mitigation do we need? Could Alterra offer a plan that makes a safe, even safer than before this proposed development?

I'd like to say I appreciate the work my Councilperson and my Civic Association has put into this. COVID has presented a lot of issues. But again, safety is primary. That's the primary focus. So this proposed project needs a much deeper look and a pause button here in the Rules Committee.

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Thank you for your time.

COUNCILMAN JOHNSON: Thank you  
very much.

Will the Clerk please call the  
next person for public comment.

THE CLERK: For Bill No.  
210638, we have Sarah Anton.

MS. ANTON: Hi. Can you hear  
me? Hello?

THE CLERK: Yes, we can hear  
you.

MS. ANTON: Okay. Great.  
Sorry. Good afternoon. My name is  
Sarah Anton. I'm a Board member and the  
immediate past President of Passyunk  
Square Civic Association. We're the  
Registered Community Organization for  
the area addressed in Bill 210638  
regarding the zoning and Master Plan  
changes to 1100 Wharton Street, which is  
commonly understood as the Municipal  
Complex.

Since 2018, PSCA has worked  
with Councilman Squilla, the Department  
of Public Property and the Philadelphia

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Industrial Development Corporation, PIDC, to gather community feedback for the proposed sale of 1100 Wharton. In November of 2018, PIDC attended our general meeting to present about the process for recruiting and reviewing proposals for the site and to review the community engagement process that led to the development of the 2035 City Master Plan, which includes a vision for this area of our neighborhood.

Following this meeting, we opened up an online forum and provided instructions to encourage neighbors to submit feedback. We also started a dedicated mailing list for updates about the process of reviewing development proposals. We collected a wide range of neighbor comments with visions for this area and submitted these to PIDC to be included as an addendum to the RFP.

In addition, concern about public school issues were raised at this point and a special neighbor committee was formed to work with the School

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District to explore the possibility of uses for the site to assist in addressing this issue. At this point, PIDC proceeded with development proposal recruitment and review.

As this process continued, Councilmember Squilla arranged for the unique opportunity for representatives from our group to be part of the selection committee in an effort to maximize transparency and community input. This later expanded to a team from PSCA, myself as President of the group as well as our Vice-president, Zoning Chair and Planning Committee Chair. This team was able to participate in developer interviews for the two finalist proposals that were submitted in response to the City's Request for Proposals.

In June 2019 with the permission of PIDC, we were able to share key facts about each of these proposals with neighbors. We distributed flyers door-to-door to

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hundreds of homes within blocks of the site, sent emails to thousands who are neighbors, provided an online hub for comments and provided an inperson update to about 50 neighbors at our general meeting at length.

We invited neighbors to share their opinions about proposals directly with the Mayor, Councilman Squilla and our Board. While more than half of the neighbors responded to this call for comments of support of a mixed-use proposal on this site as submitted, we clearly heard that there is not a consensus in the neighborhood about the right amounts of density and parking in this area.

Almost universally however, we heard concern about preserving green space, a desire to preserve the Fleet Management building and mitigating the downside of gentrification and the opportunity for development of this site to add units that will be affordable to seniors, small business owners, civil

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servants, educators, retail workers and trades people that have historically called Passyunk Square their home.

This feedback was provided to the applicants, and ultimately the applicant most responsible to these concerns, Alterra Property, was invited to present a full proposal to the neighborhood in December 2019. The revised project featured additional residential permit parking, support for affordable housing and reduced density. Again, we distributed information door-to-door in blocks surrounding the property about this meeting, posted the development proposal online, encouraged direct feedback to our Councilmember via dedicated email address and provided reminders in our monthly newsletter and at our monthly general meeting to the community on how to make their voices heard concerning this project.

After a long hiatus due to the pandemic, Councilmember Squilla arranged for a meeting on July 2021 to present



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the updated project, taking into account all neighbor comments collected online and provided during a community meeting in December 2019 and provided via various channels and individual meetings with constituents from December 2019 through June 2021.

The Master Plan legislation before you is responsive to community feedback and represents a compromise of a wide range of concerns and aspirations for this site. While as an organization, PSCA is in non-opposition to the Master Plan changes before you today. There are many details to be worked out before approval of the sale of this parcel and before our Board would be comfortable to being in non-opposition to the specific development project with Alterra Properties.

Neighbors continue to have concerns about the selection of a commercial tenant, the scope and details of green space, pedestrian safety and

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other traffic concerns and concerns that the design of the new building will be generic and out of character with the neighborhood. We believe that the unique and extensive level of community engagement in this process has allowed for continuing improvement to the proposed project, and perhaps the addition of some components like affordable housing that might otherwise have never been included in the site.

It is our hope that neighbors can continue to work with Councilmember Squilla and the development team to address the outstanding issues and concerns and find solutions to make this project a contributing and appropriate addition to this vibrant part of the City. Thank you.

COUNCILMAN JOHNSON: Thank you very much.

Will the Clerk please call on anyone else who is here for public comment -- Councilman Squilla, you would like to be acknowledged?

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COUNCILMAN SQUILLA: Yes.

Thank you, Councilmember.

And I just want to thank the people who are testifying and Sarah and their input and really hard work during this process. It's been a long time. And yes, we have more work to do. We will continue working with the community and appreciate their efforts and looking forward to having future meetings as this moves forward. Thank you.

COUNCILMAN JOHNSON: You're welcome.

Will the Clerk please call anyone else who has a public comment.

THE CLERK: Mr. Chair, there is no one else in attendance for public comment.

COUNCILMAN JOHNSON: Is there anyone else whose name has not been called that would like to testify?

(No response.)

COUNCILMAN JOHNSON: Hearing none, at this time I'm going to ask for all panelists and those who have signed

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up for public comment to please  
disconnect as we conclude this hearing  
and go into a public meeting.

This officially concludes the  
public hearing of the Committee. We  
will now go into a public meeting to  
consider the action to be taken on the  
bills before this Committee today.

Will the Clerk please call the  
roll so we can convene the public  
meeting.

THE CLERK: Councilmember Mark  
Squilla.

COUNCILMAN SQUILLA: Good  
afternoon, Mr. Chair and colleagues.  
Present.

THE CLERK: Councilmember Cindy  
Bass.

COUNCILWOMAN BASS: Good  
afternoon, Mr. Chair and colleagues. I  
am present as well.

THE CLERK: Councilmember David  
Oh.

COUNCILMAN OH: Good afternoon.  
I am present.

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THE CLERK: Councilmember Brian  
O'Neill.

COUNCILMAN O'NEILL: Present.

THE CLERK: Councilmember  
Katherine Gilmore Richardson.

COUNCILWOMAN GILMORE

RICHARDSON: Good afternoon, Mr. Chair  
and colleagues. I'm present.

THE CLERK: And that is it,  
Mr. Chair.

COUNCILMAN JOHNSON: We have a  
quorum and we will now go into our  
public meeting.

The Chair recognizes Councilman  
Mark Squilla for a motion on Bill No.  
210638.

COUNCILMAN SQUILLA: (Muted).

COUNCILMAN JOHNSON: You're on  
mute right now, Councilman Squilla.

COUNCILMAN SQUILLA: Thank you,  
Mr. Chair. I was reading to myself.

COUNCILMAN JOHNSON: It's cool.

COUNCILMAN SQUILLA: I move  
that Bill No. 210638 be reported from  
this Committee with a favorable

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recommendation and further move that the rules of Council be suspended as to permit the first reading of this bill at the next session of Council.

COUNCILMAN JOHNSON: Can I get a second from someone?

COUNCILWOMAN BASS: Second.

COUNCILMAN JOHNSON: The Chair notes for the record that Councilwoman Cindy Bass seconds the motion.

It has been moved and properly seconded that Bill No. 210638 be reported out of this Committee with a favorable recommendation and further move that the rules of Council be suspended to permit first reading of this bill at the next session of Council.

All those in favor of the motion will signify by saying aye.

(Aye.)

COUNCILMAN JOHNSON: Those opposed?

(No response.)

COUNCILMAN JOHNSON: The ayes

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have it and the motion carries.

The Chair recognizes Councilman Squilla for a motion on Bill No. 210637.

COUNCILMAN SQUILLA: Thank you, Mr. Chair.

I move that Bill No. 210637 be reported from this Committee with a favorable recommendation and further move that the rules of Council be suspended to permit the first reading of this bill at the next session of Council.

COUNCILMAN OH: Second.

COUNCILMAN JOHNSON: The Chair notes for the record that Councilman David Oh seconds the motion.

It has been moved and properly seconded that Bill No. 210637 be reported from this Committee with a favorable recommendation and further move that the rules of Council be suspended to permit first reading of this bill at the next session of Council.

All those in favor of the

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motion will signify by saying aye.

(Aye.)

COUNCILMAN JOHNSON: Those  
opposed?

(No response.)

COUNCILMAN JOHNSON: The ayes  
have it and the motion carries.

The Chair recognizes  
Councilmember Mark Squilla for a motion  
on Bill No. 210686.

COUNCILMAN SQUILLA: 687.

COUNCILMAN JOHNSON: Oh, I'm  
sorry. Let me back up for a second.

The Chair recognizes Councilman  
Mark Squilla for a motion on Bill No.  
210687.

COUNCILMAN SQUILLA: Thank you,  
Mr. Chair.

I move that Bill No. 210687 be  
reported from Committee with a favorable  
recommendation and further move that the  
rules of Council be suspended as to  
permit the first reading of this bill at  
the next session of Council.

COUNCILWOMAN BASS: Second.



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COUNCILMAN JOHNSON: The Chair  
notes for the record that Councilwoman  
Cindy Bass seconds the motion.

It has been moved and properly  
seconded that Bill No. 210687 be  
reported from this Committee with a  
favorable recommendation and further  
move that the rules of Council be  
suspended to permit first reading of  
this bill at the next session of  
Council.

All those in favor will signify  
by saying aye.

(Aye.)

COUNCILMAN JOHNSON: Those  
opposed?

(No response.)

COUNCILMAN JOHNSON: The ayes  
have it and the motion carries.

The Chair recognizes Councilman  
Mark Squilla for a motion on Bill No.  
210549.

COUNCILMAN SQUILLA: Thank you,  
Mr. Chair.

I move that Bill No. 210549 be

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reported from this Committee with a favorable recommendation and further move that the rules of Council be suspended as to permit the first reading of this bill at the next session of Council.

COUNCILWOMAN GILMORE

RICHARDSON: Second.

COUNCILMAN JOHNSON: The Chair

notes Katherine Gilmore Richardson seconds the motion.

It has been moved and properly seconded that Bill No. 210549 be reported from this Committee with a favorable recommendation and further move that the rules of Council be suspended to permit first reading of this bill at the next session of Council.

All those in favor of the motion will signify by saying aye.

(Aye.)

COUNCILMAN JOHNSON: Those opposed?

(No response.)

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COUNCILMAN JOHNSON: The ayes  
have it and the motion carries.

The Chair recognizes Councilman  
Mark Squilla for a motion on the  
amendment to Bill No. 210667.

COUNCILMAN SQUILLA: Thank you,  
Mr. Chair.

I offer an amendment to Bill  
No. 210667. A copy of the amendment has  
been circulated to all members of the  
Committee. And I move that the  
amendment to Bill No. 210667 be  
approved.

COUNCILWOMAN BASS: Second.

COUNCILMAN JOHNSON: The Chair  
notes for the record that Councilwoman  
Cindy Bass seconds the motion. It has  
been moved and properly seconded that  
the amendment to Bill No. 210667 be  
approved.

All those in favor of the  
motion will signify by saying aye.

(Aye.)

COUNCILMAN JOHNSON: Those  
opposed?

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(No response.)

COUNCILMAN JOHNSON: The ayes  
have it and the motion carries.

The Chair recognizes Councilman  
Mark Squilla for a motion on Bill No.  
210667 as amended.

COUNCILMAN SQUILLA: Thank you,  
Mr. Chair.

I move that Bill No. 210667 as  
amended be reported from this Committee  
with a favorable recommendation and  
further move that the rules of Council  
be suspended as to permit the first  
reading of this bill at the next session  
of Council.

COUNCILMAN O'NEILL: Second.

COUNCILMAN JONES: The Chair  
notes for the record that Councilman  
Brian O'Neill seconds the motion.

It has been moved and properly  
seconded that Bill No. 210667 as amended  
be reported from this Committee with a  
favorable recommendation and further  
move that the rules of Council be  
suspended to permit first reading of

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this bill at the next session of  
Council.

All those in favor of the  
motion will signify by saying aye.

(Aye.)

COUNCILMAN JOHNSON: Those  
opposed?

(No response.)

COUNCILMAN JOHNSON: The ayes  
have it and the motion carries.

The Chair recognizes Councilman  
Mark Squilla for a motion on Bill No.  
210668.

COUNCILMAN SQUILLA: Thank you,  
Mr. Chair.

I move that Bill No. 210668 be  
reported from this Committee with a  
favorable recommendation and further  
move that the rules of Council be  
suspended as to permit the first reading  
of this bill at the next session of  
Council.

COUNCILWOMAN BASS: Second.

COUNCILMAN JOHNSON: The Chair  
notes for the record that Councilwoman

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Cindy Bass seconds the motion.

It has been moved and properly seconded that Bill No. 210668 be reported from this Committee with a favorable recommendation and further move that the rules of Council be suspended to permit first reading at the next session of Council.

All those in favor of the motion will signify by saying aye.

(Aye.)

COUNCILMAN JOHNSON: Those opposed?

(No response.)

COUNCILMAN JOHNSON: The ayes have it and the motion carries.

The Chair recognizes Mark Squilla for a motion on the amendment to Bill No. 210742.

COUNCILMAN SQUILLA: Thank you, Mr. Chair.

I offer an amendment to Bill No. 210742. A copy of the amendment has been circulated to all members of the Committee. I move that the amendment to

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this Bill No. 210742 be approved.

COUNCILMAN OH: Second.

COUNCILMAN JOHNSON: The Chair  
notes for the record that Councilman  
David Oh seconds the motion. It has  
been moved and properly seconded that  
the amendment to Bill No. 210742 be  
approved.

All those in favor of the  
motion will signify by saying aye.

(Aye.)

COUNCILMAN JOHNSON: The ayes  
have it and the motion carries. Give me  
one second.

The Chair recognizes Mark  
Squilla for a motion on Bill No. 210742  
as amended.

COUNCILMAN SQUILLA: Thank you,  
Mr. Chair.

I move that Bill No. 210742 as  
amended be reported from this Committee  
with a favorable recommendation and  
further move that the rules of Council  
be suspended as to permit the first  
reading of this bill at the next session

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of Council.

COUNCILMAN O'NEILL: Second.

COUNCILMAN JOHNSON: The Chair  
notes for the record that Councilman  
Brian O'Neill seconds the motion.

It has been moved and properly  
seconded that Bill No. 210742 as amended  
be reported from this Committee with a  
favorable recommendation and further  
move that the rules of Council be  
suspended to permit first reading of  
this bill at the next session of  
Council.

All those in favor of the  
motion will signify by saying aye.

(Aye.)

COUNCILMAN JOHNSON: Those  
opposed?

(No response.)

COUNCILMAN JOHNSON: The ayes  
have it and the motion carries.

The Chair recognizes Councilman  
Mark Squilla for a motion on the  
amendment to Bill No. 210808.

COUNCILMAN SQUILLA: Thank you,



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Mr. Chair.

I offer an amendment to Bill No. 210808. A copy of the amendment has been circulated to all members of the Committee. I move that the amendment of Bill No. 210808 be approved.

COUNCILWOMAN BASS: Second.

COUNCILMAN JOHNSON: The Chair notes for the record that Councilwoman Cindy Bass seconds the motion. It has been moved and properly seconded that the amendment to Bill No. 210808 be approved.

All those in favor of the motion will signify by saying aye.

(Aye.)

COUNCILMAN JOHNSON: Those opposed?

(No response.)

COUNCILMAN JOHNSON: The ayes have it and the motion carries. And the amendment to Bill 210808 has been approved.

The Chair recognizes Councilmember Mark Squilla for a

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motion --

(Background interruption.)

COUNCILMAN JOHNSON: Can everybody mute their phone or your computer, your screen if you're not speaking.

The Chair recognizes Councilmember Mark Squilla for a motion on Bill No. 210808 as amended.

COUNCILMAN SQUILLA: Thank you, Mr. Chair.

I move that Bill No. 210808 as amended be reported from this Committee with a favorable recommendation and further move that the rules of Council be suspended as to permit the first reading of this bill at the next session of Council.

COUNCILMAN O'NEILL: Second.

COUNCILMAN JOHNSON: The Chair notes for the record that Councilman Brian O'Neill seconds the motion.

It has been moved and properly seconded that Bill No. 210808 as amended be reported from this Committee with a

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favorable recommendation and further  
move that the rules of Council be  
suspended to permit first reading of  
this bill at the next session of  
Council.

All those in favor of the  
motion will signify by saying aye.

(Aye.)

COUNCILMAN JOHNSON: Those  
opposed?

(No response.)

COUNCILMAN JOHNSON: The ayes  
have it and the motion carries.

The Chair recognizes  
Councilmember Mark Squilla for a motion  
on the amendment to Bill No. 210634.

COUNCILMAN SQUILLA: Thank you,  
Mr. Chair.

I offer an amendment to Bill  
No. 210634. A copy of the amendment has  
been circulated to all members of the  
Committee. I move that the amendment to  
Bill No. 210634 be approved.

COUNCILWOMAN BASS: Second.

COUNCILMAN JOHNSON: The Chair

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notes for the record that Councilwoman  
Cindy Bass seconds the motion. It has  
been moved and properly seconded that  
the amendment to Bill No. 210634 be  
approved.

All those in favor of the  
motion will signify by saying aye.

(Aye.)

COUNCILMAN JOHNSON: Those  
opposed?

(No response.)

COUNCILMAN JOHNSON: The ayes  
have it. The motion carriers. The  
amendment to Bill No. 210634 has been  
approved.

The Chair recognizes  
Councilmember Mark Squilla for a motion  
on Bill No. 210634 as amended.

COUNCILMAN SQUILLA: Thank you,  
Mr. Chair.

I move that Bill No. 210634 as  
amended be reported from this Committee  
with a favorable recommendation and  
further move that the rules of Council  
be suspended as to permit the first

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reading of this bill at the next session  
of Council.

COUNCILMAN O'NEILL: Second.

COUNCILMAN JOHNSON: The Chair  
notes for the record that Councilman  
Brian O'Neill seconds the motion.

It has been moved and properly  
seconded that Bill No. 210634 as amended  
be reported from this Committee with a  
favorable recommendation and further  
move that the rules of Council be  
suspended to permit first reading of  
this bill at the next session of  
Council.

All those in favor of the  
motion will signify by saying aye.

(Aye.)

COUNCILMAN JOHNSON: Those  
opposed?

(No response.)

COUNCILMAN JOHNSON: The ayes  
have it and the motion carries.

The Chair recognizes  
Councilmember Mark Squilla for a motion  
on the amendment to Bill No. 210778.

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COUNCILMAN SQUILLA: Thank you,  
Mr. Chair.

I offer an amendment to Bill  
No. 210778. A copy of the amendment has  
been circulated to all members of the  
Committee. I move that the amendment of  
Bill No. 210778 be approved.

COUNCILMAN O'NEILL: Second.

COUNCILMAN JOHNSON: The Chair  
notes for the record that Councilman  
Brian O'Neill seconds the motion. It  
has been moved and properly seconded  
that the amendment to Bill No. 210778 be  
approved.

All those in favor of the  
motion will signify by saying aye.

(Aye.)

COUNCILMAN JOHNSON: Those  
opposed?

(No response.)

COUNCILMAN JOHNSON: The ayes  
have it and the motion carries. And the  
amendment to Bill No. 210778 has been  
approved.

The Chair recognizes

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Councilmember Mark Squilla for a motion  
on Bill No. 210778 as amended.

COUNCILMAN SQUILLA: Thank you,  
Mr. Chair.

I move that Bill No. 210778 as  
amended be reported from this Committee  
with a favorable recommendation and  
further move that the rules of Council  
be suspended as to permit the first  
reading of this bill at the next session  
of Council.

COUNCILWOMAN BASS: Second.

COUNCILMAN JOHNSON: The Chair  
notes for the record that Councilmember  
Cindy Bass seconds the motion.

It has been moved and properly  
seconded that Bill No. 210778 as amended  
be reported from this Committee with a  
favorable recommendation and further  
move that the rules of Council be  
suspended to permit the first reading of  
this bill at the next session of  
Council.

All those in favor of the  
motion will signify by saying aye.

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(Aye.)

COUNCILMAN JOHNSON: Those  
opposed?

(No response.)

COUNCILMAN JOHNSON: The ayes  
have it and the motion carries.

Brett, for the record are we  
holding Bill No. 210741?

THE CLERK: Yes. The two bills  
being held at this time are Bill Nos.  
210741 and 210686.

COUNCILMAN JOHNSON: Okay. So  
for the record, Bill No. 210741 is being  
held.

And, Brett, the next bill is  
also -- what's the second one you  
mentioned?

THE CLERK: 210686.

COUNCILMAN JOHNSON: And for  
the record, Bill No. 210686 is also  
being held at the request of their  
sponsors.

This concludes the Rules  
Hearing. I want to thank all my  
colleagues for their dedication and



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participation on this hearing.

COUNCILMAN SQUILLA: Thank you,  
Mr. Chairman. Great job.

Thank you, Brett. Have a great  
day.

COUNCILMAN JOHNSON: Thank you.

(Committee on Rules concluded  
at 1:05 p.m.)

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C E R T I F I C A T I O N

I, hereby certify that the  
proceedings and evidence noted are contained  
fully and accurately in the stenographic notes  
taken by me in the foregoing matter, and that  
this is a correct transcript of the same.

---

TANEHA CARROLL  
Court Reporter - Notary Public

(The foregoing certification of  
this transcript does not apply to any  
reproduction of the same by any means,  
unless under the direct control and/or  
supervision of the certifying reporter.)

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# **EXHIBIT 7**

**Bill No. 210778, as amended**  
**Oct. 26, 2021**

PROPOSED AMENDMENTS TO BILL NO. 210778

Amendment no. 1. Make the deletions and additions set forth below

**AN ORDINANCE**

To amend Title 14 of The Philadelphia Code by adding Section 14-532, entitled the “/AHP, Affordable Housing Preservation Overlay District” and making other related changes; to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by 39th Street, Ludlow Street, 40th Street, and Market Street; and to establish a temporary demolition moratorium with respect to properties within the aforementioned area; all under certain terms and conditions.

Whereas, Urban Renewal, the federal program used to remediate “blighted areas”, began in Philadelphia in January 9, 1948, when eight “blighted” areas in Philadelphia, including two in West Philadelphia, were certified for remediation by the Philadelphia Planning Commission; and

Whereas, in 1959, the West Philadelphia Corporation, a non-profit community development organization, was formed by a coalition of higher education and medical institutions to spearhead the development of the University City Science Center in the area of West Philadelphia that would become known as Redevelopment Area Unit 3; and

Whereas, in 1963, the Philadelphia Planning Commission certified the area known as Redevelopment Area Unit 3 for remediation, consisting roughly of the land bounded by 34<sup>th</sup> to 40<sup>th</sup> streets, and north of Chestnut to Lancaster and Powelton avenues (“Unit 3”). According to census data, as of 1960, 4,603 people lived in Unit 3, and it consisted largely of the neighborhood known as the Black Bottom. A 1963 memorandum from the West Philadelphia Corporation noted that Unit 3 contained 3,432 people making up 987 families, 444 of which were white and 543 of which were non-white; and

Whereas, in 1965 the Philadelphia Redevelopment Authority (“PRA”) determined that its property acquisitions in Unit 3 would displace an estimated 107 white families and 463 non-white families. Over 75% of the non-white families were tenants. Over 70% of the black families living in Unit 3 at this time were eligible for federally subsidized public housing; and

Whereas, by 1968, the RDA’s use of eminent domain on behalf of developers, including, but not limited to, the Science Center, the School District of Philadelphia and Presbyterian-University Medical Center, displaced 2,653 people in Unit 3, roughly 78% of whom were Black. According to Census data, the population of Unit 3 plummeted from 4,603 individuals in 1960 to 654 people in 1970; and

Whereas, in February of 1969, Penn students, supported by local Black activists and others, led a sit-in at the University of Pennsylvania to protest Urban Renewal in Unit 3, calling for affordable housing in Unit 3 and a University fund for low-income housing. This action led to the formation of the Quadripartite Commission (the “Commission”), consisting of community members and University of Pennsylvania (“Penn”) students, faculty and trustees; and

Whereas, the initial agreement forming the Commission noted that Penn would provide equitably-priced replacement housing units if future Penn development displaced residents, and that Penn would help create a ten-million-dollar community fund. Ultimately, the Commission floundered, but its genesis reflected the demands of community members and other stakeholders for affordable housing in Unit 3; and

Whereas, a 1964 Urban Renewal Land Use Map for Unit 3 showed plans for Presbyterian University City Medical Center on a 2.8 acre parcel of land bounded by 40<sup>th</sup> Street, 39<sup>th</sup> Street, Market Street and Ludlow Street (the “Site”). But ultimately, the Site was developed as affordable housing and the plans were changed to allow for the construction of the University City Townhomes, a 70-unit townhome style affordable housing development subsidized heavily by the U.S. Department of Housing and Urban Development (“HUD”), and consisting of approximately 19 two bedroom and 51 three bedroom units (“UCT”), that were built on the Site in the early 1980s; and

Whereas, in July, 1980, I.B.I.D. Associates (“IBID”), the current owner of the Site, entered into a Redevelopment Agreement with the RDA with respect to the site, and purchased it from the RDA for \$70,000 in 1982. IBID built UCT in 1983, and in connection therewith entered into a long-term contract with HUD in order to provide Section 8 affordable, family-style rental homes on the Site; and

Whereas, as of 2019, the population of Unit 3 was approximately 1292 people, including 476 who identify as white, 252 who identify as African American, and 456 people who identify as Asian. About 98% of residents are over the age of 18. Approximately 68% of households have an income less than \$50,000; and

Whereas, on July 8, 2021, IBID delivered its notice pursuant to Section 1, Title 7, of the Philadelphia Code, of its intent to allow its Section 8 Contract with HUD to expire on July 8, 2022; and now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

## SECTION 1.

The Council of the City of Philadelphia hereby makes the following legislative findings:

1. As affordable housing in the City diminishes, this Council has adopted inclusionary zoning more often to support the maintenance and creation of affordable housing in the City.
2. The Site is located in an amenity rich area with access to transit, healthcare, quality schools, parks and jobs.
3. The nearby 40<sup>th</sup> Street SEPTA Market-Frankford Line station provides easy access to jobs throughout Center City and West Philadelphia.
4. Elderly residents are able to take advantage to the proximity of the University of Pennsylvania health system located at different locations within a 9-block radius.
5. The Site is four blocks from Saunders Park and a short walk from the greenery on Penn’s campus.
6. The elementary and middle school catchment for the Site includes two top schools in the School District of Philadelphia, the brand new Science Leadership Academy Middle School (“SLAMS”) and the Samuel Powel Elementary School. Approximately 7%, or 23 students in the SLAMS student body live in UCT, which represents half the school’s total catchment population.
7. The area is home to other residential housing uses, including but not limited to the University Square Apartments, a senior community directly across Market Street from the Site, residential



units across Ludlow Street from the Site, and Center Post Village, an 84-unit housing complex just one-half block north of the Site that predominantly houses seniors and families, reinforcing that the area is attractive for seniors seeking easy access to transit, medical services, and the amenities discussed above.

8. The Ronald McDonald House, which provides housing for families traveling for medical care, also neighbors the Site across Ludlow Street, reinforcing the area as attractive for those seeking easy access to medical services in the area.

9. Zoning the Site as RMX-3 will allow the site to retain a residential use consistent with those certain surrounding residential uses abutting the property.

10. Imposing an affordable housing overlay as described below is consistent with the planning of stakeholders dating back to the 1960s and mandated by the ongoing needs of the community.

11. While other properties in the vicinity of the Site are zoned CMX-4 many are residential in nature or used for mixed residential and commercial use, and rezoning this Site as RMX-3 with the affordable housing overlay set forth below will best support and encourage growth of the residential community in this amenity rich area, encourage further development of residential housing in this area of the City, further Council's commitment to maintaining and creating new affordable housing across the City, and is consistent with the long standing planning of the community and various stakeholders like the RDA that identified this Site specifically for affordable housing purposes.

12. Although families may be provided federal housing vouchers to relocate by the expiration of the Contract, given the high rate of voucher discrimination in Philadelphia and the unavailability of affordable housing in amenity rich areas, it is highly unlikely that families will be able to relocate to an area with similar access to transit, healthcare, quality schools, parks and jobs.

13. Data from the immediate area documents this affordable housing crisis. The Census tract that contains the Site saw the median gross rent double between 2000 and 2018. The Census tract to the north saw a similar increase, while median gross rent quadrupled in the Census tract immediately to the east of the Site in that same time period. Furthermore, in that same time period, the black population decreased in every Census tract in University City east of 52<sup>nd</sup> Street except the ones that contain low-income housing sites, sometimes by more than 50%. This reinforces that those who need access to affordable housing most are finding it less and less in this section of the City.

14. A study published by Temple University Beasley School of Law and Community Legal Services warns that over 9,000 Philadelphia families are at risk of losing their affordable housing through similar "opt outs" of Section 8 project-based housing, which disproportionately affects Philadelphians who are low-income and African-American. More than half of these properties are owned by for-profit companies, with almost 6,000 units in total, and many are in gentrifying census tracts with rapidly escalating property values. The study concludes that if project-based housing is lost, the populations that already face the highest housing burdens would further disproportionately face increased burdens within the private market.

SECTION 2. Title 14 of The Philadelphia Code is hereby amended to read as follows:

#### TITLE 14. ZONING AND PLANNING.

\* \* \*

## CHAPTER 14-500. OVERLAY ZONING DISTRICTS

\* \* \*

### § 14-532. /AHP, Affordable Housing Preservation Overlay District.

(1) **Applicability.** The Affordable Housing Preservation Overlay District shall apply to lots located in the area bounded by Market Street, 39th Street, Ludlow Street and 40th Street.

(2) **Use Regulations.** The following standards shall apply in addition to those of the applicable base zoning district:

(a) At least 40% of all dwelling units (rounded up, if fractional), or seventy units, whichever is greater, shall be provided and maintained as affordable on the same site as all other dwelling units.

(b) Any development that has received or will receive government financial assistance conditioned upon the provision of 51% or more units meeting affordability standards of a government program shall not be required to meet the requirements of subsections (a) above.

(c) All uses other than residential uses or required off-street parking must be located on the ground floor of a building.

#### (3) Development Standards

(a) The maximum floor area ratio for lots zoned RMX-3 within the Affordable Housing Preservation Overlay shall be 750% of the lot area.

(b) Lots within the Affordable Housing Preservation Overlay shall not be eligible for any floor area ratio bonuses pursuant to the provisions of Section 14-702 (Floor Area, Height, and Dwelling Unit Density Bonuses).

#### (4) Affordability

Affordable dwelling and sleeping units required shall be provided under the following standards. For the purposes of this section, a household shall consist of every person who lives or intends to live in the unit, regardless of age, dependency status, or relationship. The imputed household size for determining unit affordability and occupancy requirements of this section shall be equal to 1.5 people per each bedroom in the unit,



except for studios, efficiencies, and sleeping units for which the imputed household size is 1 person.

(a) Affordable rental units shall:

(.1) Have total monthly costs (including rent and utility costs) that do not exceed thirty percent (30%) of gross monthly income for households earning up to twenty percent (20%) of the Area Median Income (AMI), adjusted for household size, as reported by the U.S. Department of Housing and Urban Development (HUD) for the Philadelphia Metropolitan Statistical Area;

(.2) Be occupied by households earning up to twenty percent (20%) of the Area Median Income (AMI), adjusted by household size, as reported by HUD for the Philadelphia Metropolitan Statistical Area at the time of the household's initial occupancy of the unit; and

(.3) At no time be occupied by households earning greater than forty percent (40%) of the Area Median Income (AMI), adjusted by household size, as reported by HUD for the Philadelphia Metropolitan Statistical Area; provided that, in the event the income of a tenant is found by the Department of Planning and Development to exceed the maximum income provided for by this subsection (iii), a tenant shall nonetheless be deemed in compliance with this subsection (iii) until the first expiration of a lease occurring after the tenant's income first exceeded the maximum permitted by this subsection (iii). The Department of Planning and Development may waive this requirement upon a showing of exceptional circumstances.

(b) The standards of § 14-702(7)(b)(.2) through (.5) shall apply.

(c) Applicants shall be encouraged to partner with community development corporations and other community-based organizations in developing and executing plans for marketing units and evaluating the qualifications of potential occupants.

(d) Compliance check, remedies, and regulations of § 14-702(7)(d) through (g) shall apply.

(e) The affordability standards set forth in this section (4) shall supersede the affordability standards of any other overlay set forth in this Chapter 14-500 with provisions that otherwise apply to lots within the area of the Affordable Housing Overlay.

(5) Interpretation

Where any other overlay district provisions conflict with those of this /AHP Affordable Housing Preservation Overlay District, the stricter provision shall govern.

\* \* \*

SECTION 3. Pursuant to Section 14-106 of The Philadelphia Code, the Philadelphia Zoning Maps are hereby amended by changing the zoning designations of certain areas of land within an area bounded by Market Street, 39th Street, Ludlow Street, and 40<sup>th</sup> Street from the existing zoning designations indicated on Map “A” set forth below to the zoning designations indicated on Map “B” set forth below.

SECTION 4. No zoning permit shall issue for a complete demolition of any building within the area bounded by Market Street, 39th Street, Ludlow Street, and 40th Street, except if:

- (a) Such demolition is necessary to abate an imminently dangerous condition as determined by the Department of Licenses and Inspections;
- (b) Such demolition is necessary to abate an unsafe condition impacting the right of way or any adjacent property as determined by the Department of Licenses and Inspections; or
- (c) 12 months have passed since the date of enactment of this Bill of Council.

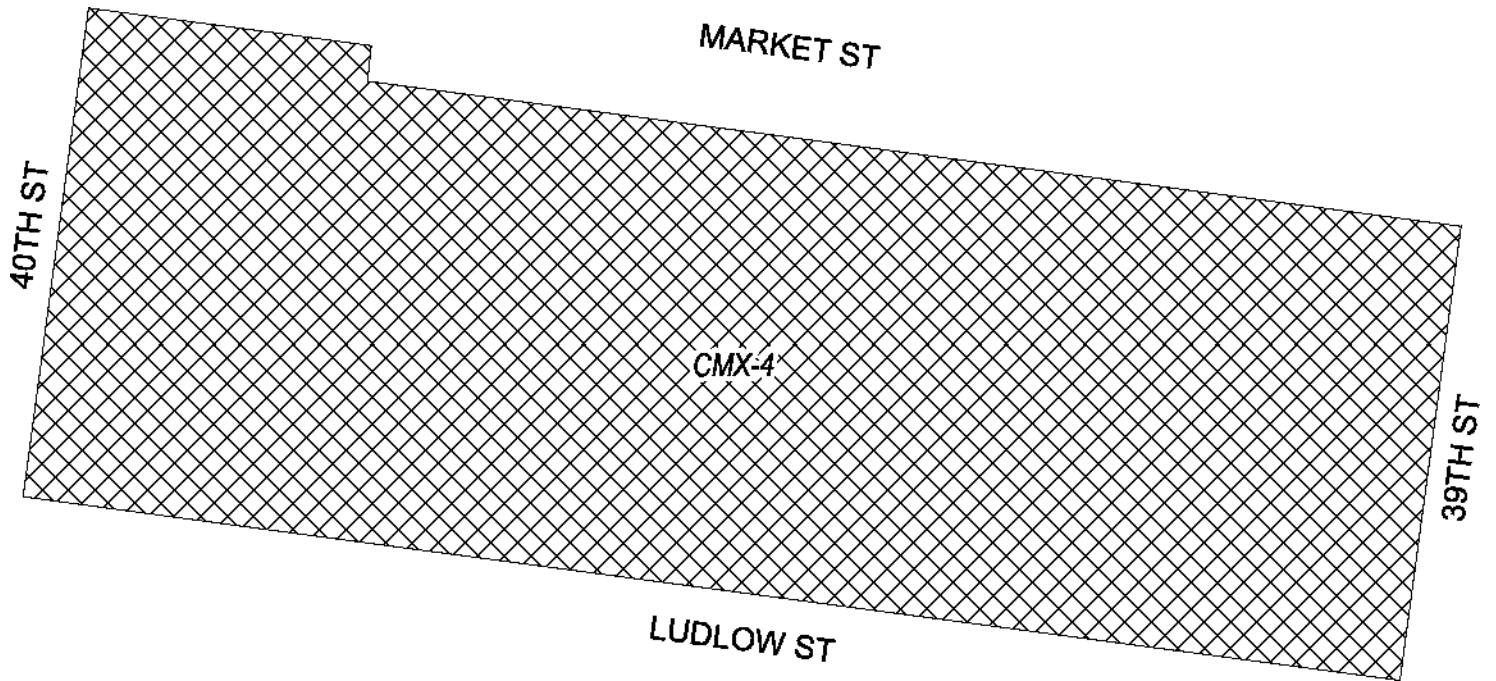
SECTION 5. This Ordinance shall take effect immediately following its enactment.

Amendment no. 2.

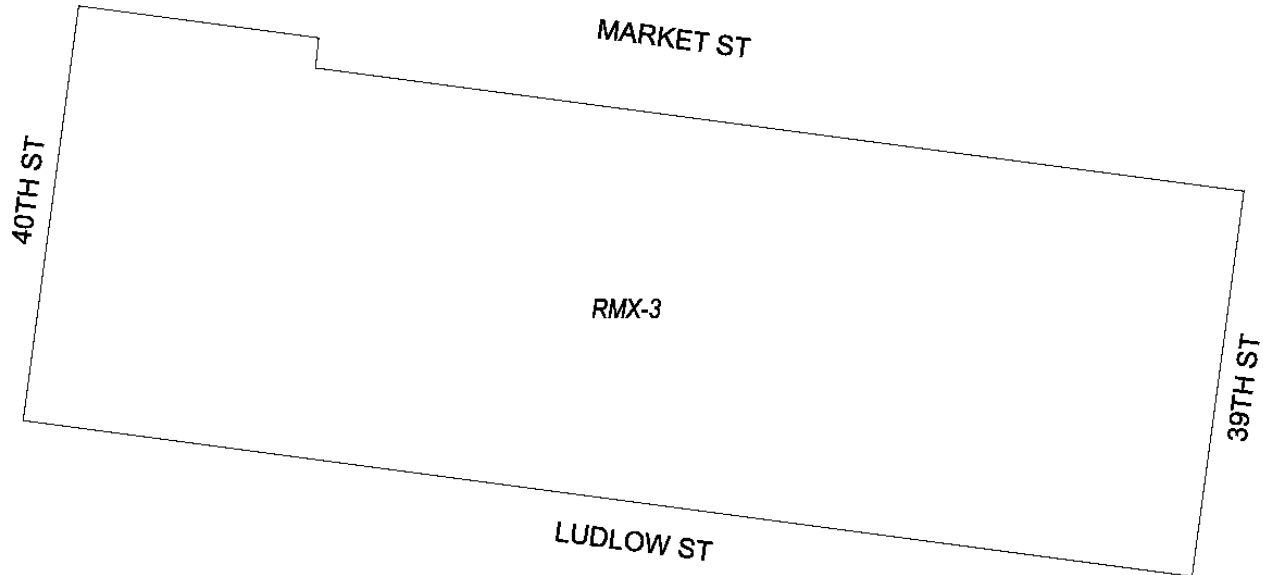
Add the attached document “Map A Existing Zoning” to the Bill as Exhibit A.

Add the attached document “Map B Proposed Zoning” to the Bill as Exhibit B.

# Map A Existing Zoning



# Map B Proposed Zoning



## Zoning Districts

 RMX-3, Residential Mixed-Use



# **EXHIBIT 8**

**Bill No. 210778-A, as amended**  
**Nov. 4, 2021**



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 210778-A**  
**(As Amended on Floor 11/4/2021)**

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**Introduced September 30, 2021**

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**Councilmember Gauthier**

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**Referred to the  
Committee on Rules**

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**AN ORDINANCE**

To amend Title 14 of The Philadelphia Code by adding Section 14-532, entitled the “/AHP, Affordable Housing Preservation Overlay District” and making other related changes; to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by 39th Street, Ludlow Street, 40th Street, and Market Street; and to establish a temporary demolition moratorium with respect to properties within the aforementioned area; all under certain terms and conditions.

Whereas, Urban Renewal, the federal program used to remediate “blighted areas”, began in Philadelphia in January 9, 1948, when eight “blighted” areas in Philadelphia, including two in West Philadelphia, were certified for remediation by the Philadelphia Planning Commission; and

Whereas, in 1959, the West Philadelphia Corporation, a non-profit community development organization, was formed by a coalition of higher education and medical institutions to spearhead the development of the University City Science Center in the area of West Philadelphia that would become known as Redevelopment Area Unit 3; and

Whereas, in 1963, the Philadelphia Planning Commission certified the area known as Redevelopment Area Unit 3 for remediation, consisting roughly of the land bounded by 34th to 40th streets, and north of Chestnut to Lancaster and Powelton avenues (“Unit 3”). According to census data, as of 1960, 4,603 people lived in Unit 3, and it consisted largely of the neighborhood known as the Black Bottom. A 1963 memorandum from the West Philadelphia Corporation noted that Unit 3 contained 3,432 people making up 987 families, 444 of which were white and 543 of which were non-white; and

Whereas, in 1965 the Philadelphia Redevelopment Authority (“PRA”) determined that its property acquisitions in Unit 3 would displace an estimated 107 white families and 463 non-

## City of Philadelphia

*BILL NO. 210778-A, as amended continued*

white families. Over 75% of the non-white families were tenants. Over 70% of the black families living in Unit 3 at this time were eligible for federally subsidized public housing; and

Whereas, by 1968, the RDA's use of eminent domain on behalf of developers, including, but not limited to, the Science Center, the School District of Philadelphia and Presbyterian-University Medical Center, displaced 2,653 people in Unit 3, roughly 78% of whom were Black. According to Census data, the population of Unit 3 plummeted from 4,603 individuals in 1960 to 654 people in 1970; and

Whereas, in February of 1969, Penn students, supported by local Black activists and others, led a sit-in at the University of Pennsylvania to protest Urban Renewal in Unit 3, calling for affordable housing in Unit 3 and a University fund for low-income housing. This action led to the formation of the Quadripartite Commission (the "Commission"), consisting of community members and University of Pennsylvania ("Penn") students, faculty and trustees; and

Whereas, the initial agreement forming the Commission noted that Penn would provide equitably-priced replacement housing units if future Penn development displaced residents, and that Penn would help create a ten-million-dollar community fund. Ultimately, the Commission floundered, but its genesis reflected the demands of community members and other stakeholders for affordable housing in Unit 3; and

Whereas, a 1964 Urban Renewal Land Use Map for Unit 3 showed plans for Presbyterian University City Medical Center on a 2.8 acre parcel of land bounded by 40th Street, 39th Street, Market Street and Ludlow Street (the "Site"). But ultimately, the Site was developed as affordable housing and the plans were changed to allow for the construction of the University City Townhomes, a 70-unit townhome style affordable housing development subsidized heavily by the U.S. Department of Housing and Urban Development ("HUD"), and consisting of approximately 19 two bedroom and 51 three bedroom units ("UCT"), that were built on the Site in the early 1980s; and

Whereas, in July, 1980, I.B.I.D. Associates ("IBID"), the current owner of the Site, entered into a Redevelopment Agreement with the RDA with respect to the site, and purchased it from the RDA for \$70,000 in 1982. IBID built UCT in 1983, and in connection therewith entered into a long-term contract with HUD in order to provide Section 8 affordable, family-style rental homes on the Site; and

Whereas, as of 2019, the population of Unit 3 was approximately 1292 people, including 476 who identify as white, 252 who identify as African American, and 456 people who identify as Asian. About 98% of residents are over the age of 18. Approximately 68% of households have an income less than \$50,000; and

Whereas, on July 8, 2021, IBID delivered its notice pursuant to Section 1, Title 7, of the Philadelphia Code, of its intent to allow its Section 8 Contract with HUD to expire on July 8, 2022; and now, therefore,



## City of Philadelphia

*BILL NO. 210778-A, as amended continued*

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

### SECTION 1.

The Council of the City of Philadelphia hereby makes the following legislative findings:

1. As affordable housing in the City diminishes, this Council has adopted inclusionary zoning more often to support the maintenance and creation of affordable housing in the City.
2. The area identified below as within the Affordable Housing Preservation Overlay is located in an amenity rich area with access to transit, healthcare, quality schools, parks and jobs.
3. The nearby 40th Street SEPTA Market-Frankford Line station provides easy access to jobs throughout Center City and West Philadelphia.
4. Elderly residents are able to take advantage to the proximity of the University of Pennsylvania health system located at different locations within a 9-block radius.
5. The proposed Affordable Housing Preservation Overlay District is blocks from Saunders Park and a short walk from the greenery on Penn's campus.
6. The elementary and middle school catchment for the Site includes two top schools in the School District of Philadelphia, the brand new Science Leadership Academy Middle School ("SLAMS") and the Samuel Powel Elementary School. Approximately 6%, or 22 students in the SLAMS student body live in the University City Townhomes which represents half the school's total catchment population. Approximately 15%, or 34 students in the Powel student body live in the University City Townhomes.
7. The area is home to other residential housing uses, including units across Ludlow Street from the University City Townhomes, and Center Post Village, an 84-unit housing complex just north of Filbert Street that predominantly houses seniors and families, reinforcing that the area is attractive for seniors seeking easy access to transit, medical services, and the amenities discussed above.
8. The Ronald McDonald House, which provides housing for families traveling for medical care, also neighbors the Site across Ludlow Street, reinforcing the area as attractive for those seeking easy access to medical services in the area.
9. Zoning as provided in proposed Section 14-532 will allow the area to retain a residential use consistent with those certain surrounding residential uses abutting the Affordable Housing Preservation Overlay District.

## City of Philadelphia

*BILL NO. 210778-A, as amended continued*

10. Imposing an affordable housing overlay as described below is consistent with the planning of stakeholders dating back to the 1960s and mandated by the ongoing needs of the community.

11. While other properties in the vicinity of the Affordable Housing Preservation Overlay District are zoned CMX-4 many such properties are residential in nature or used for mixed residential and commercial use, and other properties are zoned for lower density residential uses. Rezoning the Affordable Housing Preservation Overlay District as set forth below will best support and encourage growth of the residential community in this amenity rich area, encourage further development of residential housing in this area of the City, further Council's commitment to maintaining and creating new affordable housing across the City, and is consistent with the long standing planning of the community and various stakeholders like the RDA that identified areas within in the Affordable Housing Preservation Overlay District specifically for affordable housing purposes. This overlay further serves to transition from the less dense residential uses north of Filbert Street to the denser mixed commercial and residential uses south of Filbert Street.

12. The Executive Director of the Philadelphia City Planning Commission, Eleanor Sharpe, along with planning directors from across the country, published a Commitment to Change Statement, which notes that planners played an integral role in the displacement of communities of color over the course of modern American history, including through Urban Renewal.

13. The American Planning Association's Housing Policy Guide Statement 2B supports the preservation of existing affordable housing in gentrifying, amenity rich areas, such as the area designated as the Affordable Housing Preservation Overlay District.

14. Philadelphia's 2035 Comprehensive Plan notes that "the location of new housing, particularly housing supported by government funding, should be prioritized based on adjacency to existing community assets and strengths: commercial corridors, transit stations, and stable residential blocks."

15. The University Southwest District Plan calls for mixed-use development in this area. Instituting the overlay set forth below achieves the District Plan's intent and does so in a way that creates space for equity, community cohesion, and cultural and housing preservation.

16. Zoning the area designated as the Affordable Preservation Overlay District in the manner described in proposed Section 14-532 ensures that mixed-use development can take place at the scale of what is envisioned in the District Plan. Making residential mandatory for uses above one story provides a check against the market forces at play today, that encourage maximizing profit over the creation of inclusive neighborhoods where people with very low incomes can have housing near amenities.

17. Although families may be provided federal housing vouchers to relocate by the expiration of the availability of affordable housing at a given location in the Affordable Preservation Overlay District, given the high rate of voucher discrimination in Philadelphia and the unavailability of

# City of Philadelphia

*BILL NO. 210778-A, as amended continued*

affordable housing in amenity rich areas, it is highly unlikely that families will be able to relocate to an area with similar access to transit, healthcare, quality schools, parks and jobs.

18. Data from the immediate area documents this affordable housing crisis. The Census tract that contains the Affordable Preservation Overlay District saw the median gross rent double between 2000 and 2018. The Census tract to the north saw a similar increase, while median gross rent quadrupled in the Census tract immediately to the east of the Affordable Preservation Overlay District in that same time period. Furthermore, in that same time period, the black population decreased in every Census tract in University City east of 52nd Street except the ones that contain low-income housing sites, sometimes by more than 50%. This reinforces that those who need access to affordable housing most are finding it less and less in this section of the City.

19. A study published by Temple University Beasley School of Law and Community Legal Services warns that over 9,000 Philadelphia families are at risk of losing their affordable housing through similar “opt outs” of Section 8 project-based housing, which disproportionately affects Philadelphians who are low-income and African-American. More than half of these properties are owned by for-profit companies, with almost 6,000 units in total, and many are in gentrifying census tracts with rapidly escalating property values. The study concludes that if project-based housing is lost, the populations that already face the highest housing burdens would further disproportionately face increased burdens within the private market.

20. As affordable housing in the City diminishes, maintaining existing affordable housing communities and encouraging the creation of additional affordable housing is a priority for the City’s overall plan for equitable growth. Inspired by the potential loss of the rich community and needed housing provided by the University City Townhomes, the significant prior history of the displacement of lower income communities in this area, and recent gentrification, the Affordable Preservation Overlay District creates a framework for zoning mixed use properties in high density, amenity rich areas, to encourage sustainable residential development for the areas identified below, and other areas throughout the City.

SECTION 2. Title 14 of The Philadelphia Code is hereby amended to read as follows:

## TITLE 14. ZONING AND PLANNING.

\* \* \*

### CHAPTER 14-500. OVERLAY ZONING DISTRICTS

\* \* \*

*§ 14-532. /AHP, Affordable Housing Preservation Overlay District.*

(1) *Applicability. The Affordable Housing Preservation Overlay District shall apply to*

## City of Philadelphia

*BILL NO. 210778-A, as amended continued*

*lots located in the area bounded by:*

*(a) Market Street, 39<sup>th</sup> Street, Ludlow Street and 40<sup>th</sup> Street.*

*(b) Market Street, 39<sup>th</sup> Street, Filbert Street and 40<sup>th</sup> Street.*

*(2) Use Regulations. The following standards shall apply in addition to those of the applicable base zoning district:*

*(a) Uses other than residential uses or required off-street parking may only be located on the ground floor of a building.*

*(b) At least 20% of all dwelling units (rounded up, if fractional) shall be provided and maintained as affordable on the same site as all other dwelling units.*

*(c) Any development that has received or will receive government financial assistance conditioned upon the provision of 51% or more units meeting affordability standards of a government program shall not be required to meet the requirements of subsections (b) above.*

*(3) Development Standards.*

*(a) The maximum floor area ratio for lots zoned CMX-4 within the Affordable Housing Preservation Overlay shall be 750% of the lot area.*

*Lots within the Affordable Housing Preservation Overlay shall not be eligible for any floor area ratio bonuses pursuant to the provisions of Section 14-702 (Floor Area, Height, and Dwelling Unit Density Bonuses).*

*(4) Affordability*

*Affordable dwelling and sleeping units required shall be provided under the following standards. For the purposes of this section, a household shall consist of every person who lives or intends to live in the unit, regardless of age, dependency status, or relationship. The imputed household size for determining unit affordability and occupancy requirements of this section shall be equal to 1.5 people per each bedroom in the unit, except for studios, efficiencies, and sleeping units for which the imputed household size is 1 person.*

*(a) Affordable rental units shall:*

*(.1) Have total monthly costs (including rent and utility costs) that do not exceed thirty percent (30%) of gross monthly income for households earning up to forty percent (40%) of the Area Median Income (AMI), adjusted for household size, as*

## City of Philadelphia

BILL NO. 210778-A, as amended continued

*reported by the U.S. Department of Housing and Urban Development (HUD) for the Philadelphia Metropolitan Statistical Area;*

*(.2) Be occupied by households earning up to forty percent (40%) of the Area Median Income (AMI), adjusted by household size, as reported by HUD for the Philadelphia Metropolitan Statistical Area at the time of the household's initial occupancy of the unit; and*

*(.3) At no time be occupied by households earning greater than eighty percent (80%) of the Area Median Income (AMI), adjusted by household size, as reported by HUD for the Philadelphia Metropolitan Statistical Area; provided that, in the event the income of a tenant is found by the Department of Planning and Development to exceed the maximum income provided for by this subsection (iii), a tenant shall nonetheless be deemed in compliance with this subsection (iii) until the first expiration of a lease occurring after the tenant's income first exceeded the maximum permitted by this subsection (iii). The Department of Planning and Development may waive this requirement upon a showing of exceptional circumstances.*

*(b) The standards of §14-702(7)(b)(.2) through (.5) shall apply.*

*(c) Applicants shall be encouraged to partner with community development corporations and other community-based organizations in developing and executing plans for marketing units and evaluating the qualifications of potential occupants.*

*(d) Compliance check, remedies, and regulations of § 14-702(7)(d) through (g) shall apply.*

*(e) The affordability standards set forth in this section (4) shall supersede the affordability standards of any other overlay set forth in this Chapter 14-500 with provisions that otherwise apply to lots within the area of the Affordable Housing Overlay.*

*(5) Interpretation.*

*Where any other overlay district provisions conflict with those of this /AHP Affordable Housing Preservation Overlay District, the stricter provision shall govern.*

*(6) Severability.*

*If any paragraph, subsection, clause, provision, or exception of this Section shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Section as a whole or any part thereof. It is the intention of City Council that the remainder of*

## City of Philadelphia

*BILL NO. 210778-A, as amended continued*

*this Section would have been adopted as if such invalid paragraph, subsection, clause, provision, or exception had not been enacted.*

\* \* \*

SECTION 3. No zoning permit shall issue for a complete demolition of any building within the area bounded by Market Street, 39th Street, Ludlow Street, and 40th Street, except if:

- (a) Such demolition is necessary to abate an imminently dangerous condition as determined by the Department of Licenses and Inspections;
- (b) Such demolition is necessary to abate an unsafe condition impacting the right of way or any adjacent property as determined by the Department of Licenses and Inspections; or
- (c) 12 months have passed since the date of enactment of this Bill of Council.

SECTION 4. This Ordinance shall take effect immediately following its enactment.

# **EXHIBIT 9**

**Bill No. 210778-A, as amended**  
**Jan. 20, 2022**





# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 210778-AA  
(As Amended on Floor 1/20/2022)**

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**Introduced September 30, 2021**

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**Councilmember Gauthier**

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**Referred to the  
Committee on Rules**

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**AN ORDINANCE**

To amend Title 14 of The Philadelphia Code by adding Section 14-532, entitled the “/AHP, Affordable Housing Preservation Overlay District” and making other related changes; to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by 39th Street, Ludlow Street, 40th Street, and Market Street; and to establish a temporary demolition moratorium with respect to properties within the aforementioned area; all under certain terms and conditions.

Whereas, Urban Renewal, the federal program used to remediate “blighted areas”, began in Philadelphia in January 9, 1948, when eight “blighted” areas in Philadelphia, including two in West Philadelphia, were certified for remediation by the Philadelphia Planning Commission; and

Whereas, in 1959, the West Philadelphia Corporation, a non-profit community development organization, was formed by a coalition of higher education and medical institutions to spearhead the development of the University City Science Center in the area of West Philadelphia that would become known as Redevelopment Area Unit 3; and

Whereas, in 1963, the Philadelphia Planning Commission certified the area known as Redevelopment Area Unit 3 for remediation, consisting roughly of the land bounded by 34th to 40th streets, and north of Chestnut to Lancaster and Powelton avenues (“Unit 3”). According to census data, as of 1960, 4,603 people lived in Unit 3, and it consisted largely of the neighborhood known as the Black Bottom. A 1963 memorandum from the West Philadelphia Corporation noted that Unit 3 contained 3,432 people making up 987 families, 444 of which were white and 543 of which were non-white; and

Whereas, in 1965 the Philadelphia Redevelopment Authority (“PRA”) determined that its property acquisitions in Unit 3 would displace an estimated 107 white families and 463 non-



## City of Philadelphia

*BILL NO. 210778-AA, as amended continued*

white families. Over 75% of the non-white families were tenants. Over 70% of the black families living in Unit 3 at this time were eligible for federally subsidized public housing; and

Whereas, by 1968, the RDA's use of eminent domain on behalf of developers, including, but not limited to, the Science Center, the School District of Philadelphia and Presbyterian-University Medical Center, displaced 2,653 people in Unit 3, roughly 78% of whom were Black. According to Census data, the population of Unit 3 plummeted from 4,603 individuals in 1960 to 654 people in 1970; and

Whereas, in February of 1969, Penn students, supported by local Black activists and others, led a sit-in at the University of Pennsylvania to protest Urban Renewal in Unit 3, calling for affordable housing in Unit 3 and a University fund for low-income housing. This action led to the formation of the Quadripartite Commission (the "Commission"), consisting of community members and University of Pennsylvania ("Penn") students, faculty and trustees; and

Whereas, the initial agreement forming the Commission noted that Penn would provide equitably-priced replacement housing units if future Penn development displaced residents, and that Penn would help create a ten-million-dollar community fund. Ultimately, the Commission floundered, but its genesis reflected the demands of community members and other stakeholders for affordable housing in Unit 3; and

Whereas, a 1964 Urban Renewal Land Use Map for Unit 3 showed plans for Presbyterian University City Medical Center on a 2.8 acre parcel of land bounded by 40th Street, 39th Street, Market Street and Ludlow Street (the "Site"). But ultimately, the Site was developed as affordable housing and the plans were changed to allow for the construction of the University City Townhomes, a 70-unit townhome style affordable housing development subsidized heavily by the U.S. Department of Housing and Urban Development ("HUD"), and consisting of approximately 19 two bedroom and 51 three bedroom units ("UCT"), that were built on the Site in the early 1980s; and

Whereas, in July, 1980, I.B.I.D. Associates ("IBID"), the current owner of the Site, entered into a Redevelopment Agreement with the RDA with respect to the site, and purchased it from the RDA for \$70,000 in 1982. IBID built UCT in 1983, and in connection therewith entered into a long-term contract with HUD in order to provide Section 8 affordable, family-style rental homes on the Site; and

Whereas, as of 2019, the population of Unit 3 was approximately 1292 people, including 476 who identify as white, 252 who identify as African American, and 456 people who identify as Asian. About 98% of residents are over the age of 18. Approximately 68% of households have an income less than \$50,000; and

Whereas, on July 8, 2021, IBID delivered its notice pursuant to Section 1, Title 7, of the Philadelphia Code, of its intent to allow its Section 8 Contract with HUD to expire on July 8, 2022; and

## City of Philadelphia

*BILL NO. 210778-AA, as amended continued*

Whereas, inspired by the potential loss of the rich community and needed housing provided by the University City Townhomes, the significant prior history of the displacement of lower income communities in this area, and the explosion of commercial development in University City over the past ten years, the Affordable Housing Preservation Overlay District creates a framework for zoning mixed use properties in high density, amenity rich areas, to encourage sustainable residential development for the areas identified below, and other areas throughout the City; and now, therefore,

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

### SECTION 1.

The Council of the City of Philadelphia hereby makes the following legislative findings:

1. As affordable housing in the City diminishes, this Council has adopted inclusionary zoning more often to support the maintenance and creation of affordable housing in the City, most recently adopting mandatory inclusionary zoning within the Mixed Income Neighborhoods Overlay District which requires approximately 20% of units in certain new residential developments be affordable.
2. The area identified below as within the Affordable Housing Preservation Overlay District and the Mixed Income Neighborhoods Overlay District is located in an amenity rich area with access to transit, healthcare, quality schools, parks and jobs.
3. The nearby 40th Street SEPTA Market-Frankford Line station provides easy access to jobs throughout Center City and West Philadelphia.
4. Elderly residents are able to take advantage to the proximity of the University of Pennsylvania health system located at different locations within a 9-block radius.
5. The proposed Affordable Housing Preservation Overlay District is blocks from Saunders Park and a short walk from the greenery on Penn's campus.
6. The elementary and middle school catchment for the area includes two top schools in the School District of Philadelphia, the brand new Science Leadership Academy Middle School ("SLAMS") and the Samuel Powel Elementary School. Approximately 6%, or 22 students in the SLAMS student body live in the University City Townhomes which represents half the school's total catchment population. Approximately 15%, or 34 students in the Powel student body live in the University City Townhomes.
7. The area is home to other residential housing uses, including units across Ludlow Street from the University City Townhomes, and Center Post Village, an 84-unit housing complex just north

## City of Philadelphia

*BILL NO. 210778-AA, as amended continued*

of Filbert Street that predominantly houses seniors and families, reinforcing that the area is attractive for seniors seeking easy access to transit, medical services, and the amenities discussed above.

8. The Ronald McDonald House, which provides housing for families traveling for medical care, also neighbors area within the Affordable Housing Preservation Overlay District across Ludlow Street, reinforcing the area as attractive for those seeking easy access to medical services in the area.

9. Zoning as provided in the proposed overlay will allow the area to retain a residential use consistent with those certain surrounding residential uses abutting the Affordable Housing Preservation Overlay District.

10. Imposing an affordable housing overlay as described below is consistent with the planning of stakeholders dating back to the 1960s and mandated by the ongoing needs of the community.

11. While other properties in the vicinity of the Affordable Housing Preservation Overlay District are zoned CMX-4 many such properties are residential in nature or used for mixed residential and commercial use, and other properties are zoned for lower density residential uses. Rezoning the Affordable Housing Preservation Overlay District as set forth below will best support and encourage growth of the residential community in this amenity rich area, encourage further development of residential housing in this area of the City, further Council's commitment to maintaining and creating new affordable housing across the City, and is consistent with the long standing planning of the community and various stakeholders like the RDA that identified areas within in the Affordable Housing Preservation Overlay District specifically for affordable housing purposes. This overlay further serves to transition from the less dense residential uses north of Filbert Street to the denser mixed commercial and residential uses south of Filbert Street.

12. The Executive Director of the Philadelphia City Planning Commission, Eleanor Sharpe, along with planning directors from across the country, published a Commitment to Change Statement, which notes that planners played an integral role in the displacement of communities of color over the course of modern American history, including through Urban Renewal.

13. The American Planning Association's Housing Policy Guide Statement 2B supports the preservation of existing affordable housing in gentrifying, amenity rich areas, such as the area designated as the Affordable Housing Preservation Overlay District.

14. Philadelphia's 2035 Comprehensive Plan notes that "the location of new housing, particularly housing supported by government funding, should be prioritized based on adjacency to existing community assets and strengths: commercial corridors, transit stations, and stable residential blocks."

## City of Philadelphia

*BILL NO. 210778-AA, as amended continued*

15. The University Southwest District Plan calls for mixed-use development in this area. Instituting the overlay set forth below achieves the District Plan's intent and does so in a way that creates space for equity, community cohesion, and cultural and housing preservation. The need for residential housing in this area has grown significantly in the nearly ten (10) years since the plan was developed. While there is no longer a need for hotel rooms in this location, the need for stable long-term housing remains. Zoning the area designated as the Affordable Housing Preservation Overlay District in the manner described in the proposed overlay ensures that mixed-use development can take place at the scale of what is envisioned in the District Plan, while assuring residential housing, including affordable housing, remains in this amenity rich area.

16. There has been over \$5 billion in development in University City over the past ten years, a disproportionate amount of which has been dedicated to office, life sciences, and academic uses. Reportedly, there is billions more dollars of construction in the pipeline. This commercial development tracks the recommendation of a 2017 Brookings Institute Report which calls for the City to make a University City-Center City Innovation District from 17<sup>th</sup> Street to 43<sup>rd</sup> Street from the Market Street corridor to Grays Ferry Avenue. As University City continues to position itself as an innovation district for companies in the life sciences and other technology sectors to thrive, owners of land zoned for commercial and residential development on key corridors within and adjacent to University City will be incentivized to build commercial developments for the knowledge economy, not residential developments, and particularly not to maintain affordable housing for people with low incomes.

17. The Comprehensive Plan and the Zoning Code currently presuppose that the market will provide adequate housing in CMX zoning districts since over the past several decades residential development has been the most profitable type of development in the City. However, this is no longer the reality in University City, particularly along amenity rich transit corridors. Making residential development mandatory for uses above one story within the Mixed Income Neighborhoods Overlay District provides a check against the unique market forces at play in University City, which otherwise encourage maximizing growth and economic development over the creation of inclusive neighborhoods.

18. In addition to this shift from residential housing development along this transit corridor, a study published by Temple University Beasley School of Law and Community Legal Services warns that over 9,000 Philadelphia families are at risk of losing their affordable housing through "opt outs" of Section 8 project-based housing, which disproportionately affects Philadelphians who are low-income and African-American. More than half of these properties are owned by for-profit companies, with almost 6,000 units in total, and many are in gentrifying census tracts with rapidly escalating property values. The study concludes that if project-based housing is lost, the populations that already face the highest housing burdens would further disproportionately face increased burdens within the private market.

19. Although families may be provided federal housing vouchers to relocate by the expiration of the availability of affordable housing at a given location in the Affordable Housing Preservation

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*BILL NO. 210778-AA, as amended continued*

Overlay District, given the high rate of voucher discrimination in Philadelphia and the unavailability of affordable housing in amenity rich areas, it is highly unlikely that families will be able to relocate to an area with similar access to transit, healthcare, quality schools, parks and jobs unless this Council acts to assure more dedicated affordable housing is developed in such areas.

20. Data from the immediate area documents this affordable housing crisis. The Census tract that contains the Affordable Housing Preservation Overlay District saw the median gross rent double between 2000 and 2018. The Census tract to the north saw a similar increase, while median gross rent quadrupled in the Census tract immediately to the east of the Affordable Housing Preservation Overlay District in that same time period. Furthermore, in that same time period, the black population decreased in every Census tract in University City east of 52nd Street except the ones that contain low-income housing sites, sometimes by more than 50%. This reinforces that those who need access to affordable housing most are finding it less and less in this section of the City.

21. For these reasons, the Affordable Housing Preservation Overlay District proposed is an essential tool to retain and encourage growth of residential housing units and affordable housing units in amenity rich areas where market forces may otherwise displace such housing.

SECTION 2. Title 14 of The Philadelphia Code is hereby amended to read as follows:

## TITLE 14. ZONING AND PLANNING.

\* \* \*

### CHAPTER 14-500. OVERLAY ZONING DISTRICTS

\* \* \*

*§ 14-534. /AHP, Affordable Housing Preservation Overlay District.*

*(1) Applicability. The Affordable Housing Preservation Overlay District shall apply to lots located in the area bounded by Filbert Street, 39<sup>th</sup> Street, Ludlow Street and 40<sup>th</sup> Street.*

*(2) Use Regulations. Uses other than residential uses or required off-street parking may only be located on the ground floor of a building.*

*(3) Applicability of /MIN, Mixed Income Neighborhoods Overlay District.*

*For any property located within both the Affordable Housing Preservation Overlay District, and the § 14-533 (/MIN, Mixed Income Neighborhoods Overlay District) as described in Bill No. 210633-A:*

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*(a) Notwithstanding the effective date of Bill No. 210633-A, the provisions of §14-533 (/MIN, Mixed Income Neighborhoods Overlay District), §14-303(8)(a), §14-513(5)(b)(.2), §14-702(7)(a)(.1)(.a)(iii), §14-702(7)(a)(.2)(.a)(iii), and 14-702(7)(i), all as set forth in Bill No. 210633-A, shall be effective immediately; and*

*(b) Notwithstanding §14-533(3)(b)(.1)-(4) and §14-533(6)(c), all affordable dwelling units and sleeping units shall be provided and maintained on the same site as all other dwelling units. No offsite options or payment in lieu of providing onsite affordable housing shall be permitted to satisfy the affordability requirements of §14-533(3)(a) or §14-533(3)(b)*

*(4) Severability.*

*If any paragraph, subsection, clause, provision, or exception of this Section shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Section as a whole or any part thereof. It is the intention of City Council that the remainder of this Section would have been adopted as if such invalid paragraph, subsection, clause, provision, or exception had not been enacted.*

\* \* \*

SECTION 3. No zoning permit shall issue for a complete demolition of any building within the area bounded by Market Street, 39th Street, Ludlow Street, and 40th Street, except if:

- (a) Such demolition is necessary to abate an imminently dangerous condition as determined by the Department of Licenses and Inspections;
- (b) Such demolition is necessary to abate an unsafe condition impacting the right of way or any adjacent property as determined by the Department of Licenses and Inspections; or
- (c) 12 months have passed since the date of enactment of this Bill of Council.

SECTION 4. This Ordinance shall take effect immediately following its enactment.

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